

HEARING SCHEDULE
CITY COUNCIL MEETINGS BEGINNING OCTOBER 1, 2001

Monday, October 1, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber) <i>Special Presentation recognizing October as Afterschool Month.</i>
Tuesday, October 2, 2001	3:30 P.M.	The Ordinance Committee will conduct a public working meeting for discussion of the ECAPS and Birk zoning petitions. No public comment. (Ackermann Room)
Wednesday, October 3, 2001	4:30 P.M.	The Ordinance Committee will conduct a public hearing on the Qualls Harris zoning petition to amend the zoning in the Western Avenue/Riverside area. (Sullivan Chamber) This hearing is televised.
Wednesday, October 3, 2001	5:30 P.M.	The Ordinance Committee will conduct a public hearing on the Loose Moratorium Extension zoning petition affecting land in the Riverside area. (Sullivan Chamber) This hearing is televised.
Thursday, October 4, 2001	5:00 P.M.	The Housing Committee will conduct a public meeting to receive an update on affordable housing ownership programs. (Ackermann Room)
Monday, October 15, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)

City of Cambridge does not discriminate on the basis of disability. The City Council will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to person with disabilities upon request. Contact the Office of the City Clerk 349-4260, tty/TDD 349-4242.

Wednesday, October 17, 2001	4:30 P.M.	The Ordinance Committee will conduct a public hearing to consider a proposed amendment to the Zoning Ordinance regarding the regulation of storage and mechanical space in residential buildings. (Sullivan Chamber) This hearing is televised.
Monday, October 22, 2001	5:30 P.M.	Roundtable Meeting Discussion of 2000 Census Data. Informal meeting with no public comment, at which no votes will be taken. Meeting will not be televised. (Sullivan Chamber)
Monday, October 29, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, November 5, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, November 19, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, November 26, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, December 3, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, December 10, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, December 17, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)

**RECONSIDERATION
FOR THE CITY COUNCIL MEETING OF MONDAY, OCTOBER 1, 2001**

1. Mayor Anthony D. Galluccio notified the City Clerk of his intention to move reconsideration on Policy Order #5 adopted by the City Council on September 24, 2001 to amend Policy Order #14 of June 4, 2001 to change location of dedication of "A. Michael Vieira Square" from the corner of Fifth and Spring Streets to the corner of Sixth and Spring Streets.

2. Councillor Kathleen L. Born notified the City Clerk of her intention to move reconsideration on Policy Order #30 adopted by the City Council on September 24, 2001 to recommend an appropriation of \$1 million or suitable amount of free cash to go to New York City for its rescue costs.

OCTOBER 1, 2001

1. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-220**, regarding a report on the current policy of requiring only 20' for a metered parking space.
2. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-219**, regarding resident parking and parking enforcement in the area surrounding Newtowne Court and Washington Elms.
3. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of \$4,335 in the Grant Fund of the DHSP Salary & Wages Account from training fees from life skills staff training and other training related activities that will be used to support staff salaries of the Cambridge Prevention Coalition.
4. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of \$66,000 in the Grant Fund of the DHSP Other Ordinary Maintenance Account from the Title V Incentive Grant through the Mass Executive Office of Public Safety to be used to support development work at the Guidance Center.
5. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of \$1,000 in the Grant Fund of the DHSP Other Ordinary Maintenance Account from Abt Associates to be used for supplies for CLC teachers that participated in the national study of ABE teaching methods.
6. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of \$6,182 in the Grant Fund of the DHSP Salary & Wages Account (\$5,886.65) and Other Ordinary Maintenance Account (\$295.35) from a private donation to support two ESOL classes and one computer assistant at the CLC.

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7. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of \$60,000 in the Grant Fund of the DHSP Salary & Wages Account (\$37,823) and Other Ordinary Maintenance Account (\$22,177) from the Mass Department of Education through the Massachusetts Children's Trust Fund (MCTF) to support the Center for Families in North Cambridge for the delivery of a Massachusetts Family Center program.
8. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-228**, regarding the feasibility of Cambridge providing support for the proposed Somerville Community Bike Path from Linear Park to Lechmere Station.
9. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-227**, regarding a report on the traffic project at Sheridan Square.
10. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-226**, regarding a report on recommendations to avoid "urban heat island effect".
11. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-225**, regarding a report on converting traffic lights from incandescent to LED.
12. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-233**, regarding a report on procedures for permitting wireless transmitters/antennas.
13. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-234**, regarding a report on using cameras to photograph drivers allegedly running red lights at City intersections.

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14. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-204**, regarding a report on how the City Hall renovation projects could fit into the City finances and capital budget plan.
15. Transmitting communication from Robert W. Healy, City Manager, relative to the Regional Truck Study recommendations.
16. Transmitting communication from Robert W. Healy, City Manager, relative to additional information requested relative to Calendar Item No. 3, concerning a preservation easement for 2 Holyoke Place (Fly Club).
17. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-221**, regarding a report on when AT&T new cable bills are generated concerning the NESN fee.
18. Transmitting communication from Robert W. Healy, City Manager, relative to a Planning Board recommendation on the Birk Petition.
19. Transmitting communication from Robert W. Healy, City Manager, relative to a Planning Board recommendation on the Eastern Cambridge Rezoning Petition.

October 1, 2001

To the Honorable, the City Council:

I am hereby requesting an appropriation of \$6,182.00 in the Grant Fund of the Human Services Salary and Wages Account \$5,886.65 and Other Ordinary Maintenance Account \$295.35. The Friends of the Community Learning Center, Inc. received funds from a private donor and is donating said funds to the Community Learning Center (CLC) to support two ESOL classes and one computer assistant.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

October 1, 2001

To the Honorable, the City Council:

I am hereby requesting an appropriation of \$60,000 in the Grant Fund of the Human Services Salary and Wages Account \$37,823, and Other Ordinary Maintenance Account \$22,177. The Massachusetts Department of Education through the Massachusetts Children's Trust Fund (MCTF) is continuing to support the Center for Families of North Cambridge for the delivery of a Massachusetts Family Center program. Funds will be used to implement MCTF Family Center activities and will help support three full-time childcare staff positions, benefits, and subcontracted services and printing.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

October 1, 2001

To the Honorable, the City Council:

I am hereby requesting an appropriation of \$66,000 in the Grant Fund of the Human Services Other Ordinary Maintenance Account. Funds are received from the Title V Incentive Grant from the Massachusetts Executive Office of Public Safety. Said funds will be sub contracted to the Guidance Center to support development work.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

October 1, 2001

To the Honorable, the City Council:

I am hereby requesting an appropriation of \$4,335 in the Grant Fund of the Human Services Salary and Wages Account. The Cambridge Prevention Coalition is appropriating funds received from its sponsorship of life skills staff training and other training related activities. Funds will be used to support staff salaries.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

October 1, 2001

To the Honorable, the City Council:

I am hereby requesting an appropriation of \$1,000 in the Grant Fund of the Human Services Other Ordinary Maintenance Account. The source of funds is from Abt Associates. Funds will be used for supplies for CLC's teachers that participated in the national study of ABE teaching methods.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

October 1, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-219, regarding a report on resident parking and parking enforcement in the area surrounding Newtowne Court and Washington Elms, Traffic, Parking & Transportation Director Susan Clippinger reports the following:

The Traffic Engineering Division and the Parking Control Division reviewed the area streets surrounding Newtowne Court and Washington Elms housing developments. After a completed inspection of the neighborhood, both divisions were able to address the following issues, which are concerns in this council order.

The Parking Control Division will continue to aggressively enforce non-resident vehicles parked on posted residential permit parking streets. These streets include Washington Street, Harvard Street, Windsor Street, and Main Street.

Over the next few months, in conjunction with the Tech Square development, approximately ten metered parking spaces will be installed on the eastside of Portland Street. The metered parking spaces will be from 8am-6pm, Monday - Friday. As a result of this additional parking, these spaces will be unrestricted in the evenings for residential use.

Loading zones will also be installed on Portland Street. These loading zones will reduce illegal trucks unloading on the westside of Portland Street. The loading zone on Harvard Street at Portland Street will be removed and relocated to Portland Street, opposite Harvard Street. The previous loading zone on Harvard Street will become residential permit parking.

The Department will continue to explore future residential permit parking availability as the reviews of ongoing projects proceed.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

October 1, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-220, regarding a report on the current policy of requiring only 20' for a metered parking space, Traffic, Parking & Transportation Director Susan Clippinger reports the following:

The existing policy meets the federal and state minimum requirements for a legal public parking space. These dimensions are based on an average vehicle size. Most sport utility vehicles are the same size and some are smaller than the average full size vehicle. If a parking space were changed to 22 feet long, the City would experience a decrease in the number of parking spaces. For every 10 spaces, the City would lose one parking space. This reduction would cause a decrease of hundreds of parking spaces Citywide. The Engineering Division recommends the policy remain at 20 feet.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

October 1, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-228, regarding the feasibility of Cambridge providing support for the proposed Somerville Community Bike Path from Linear Park to Lechmere Station, Assistant City Manager for Community Development Beth Rubenstein and Traffic, Parking & Transportation Director Susan Clippinger report the following:

The City of Somerville and Friends of the Community Path, a citizens group, are working on a plan to extend the Minuteman Bikeway/Linear Park from its current ending in Davis Square in Somerville to Lechmere. The recommended plan calls for a path running alongside MBTA and freight railroad corridors in Somerville entering North Point in Cambridge via an abandoned railroad spur. There is a strong desire to eventually link the proposed 2 ¼ mile path with the Paul Dudley White bike path along the Charles River. To date the City of Somerville has completed a feasibility study and has begun working on more detailed planning for the segment of the pathway between Cedar Street and Central Street.

We strongly support the Somerville Community Path and the desire to continue the path within Cambridge, creating a continuous off road bike path all the way from Bedford via the Minuteman, Linear Park and the Somerville Community Path to the Charles River path system. The City has already taken several steps in support of the development of this path:

- The proposed Design Guidelines included in the Eastern Cambridge Rezoning Petition call for continuous pedestrian and bicycle access through North Point to the MDC New Charles River Basin Park. Further, the guidelines specifically mention the future Somerville Community Path and call for landscaped pedestrian/bicycle connections to the path and the need for attractive landscaping to buffer the path from the adjacent rail yards.
- The proposed Eastern Cambridge Rezoning Petition requires developers in North Point to commit to a program for reductions in auto vehicle trips by providing increased access to other modes. This requirement may be fulfilled through contributions towards design and implementation of a regional bike facility.

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- The FY02 City Budget includes funds for a feasibility study of the possibility of constructing a bike and pedestrian path along the Grand Junction corridor in Cambridge, given the corridor's continued use as a railroad corridor including potentially Urban Ring service. This study will examine the feasibility of linking a future path along the Grand Junction to the Somerville Community Path. The study will begin this fall.
- The City is working with the MDC and the Central Artery Project to ensure that there will be easy access to the New Charles River Basin park system, including its bike paths, from Cambridge.
- City staff has and will continue to participate in the planning process for this regional bike facility and offer technical assistance and design support as needed.

City staff is also working with the Massachusetts Highway Department and the MBTA to improve the link between the Minuteman Bikeway and Linear Park in Alewife and to construct a path from the Alewife T station to Belmont through the Alewife Reservation. These efforts will further enhance the regional bike path network, a key component of the City's vehicle trip reduction efforts.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

October 1, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-227, regarding a report on the traffic project at Sheridan Square, Assistant City Manager for Community Development Beth Rubenstein and Traffic, Parking & Transportation Director Susan Clippinger report the following:

The planning for the redesign of Sheridan Square began in 1995 with the completion of *The Comprehensive Planning for Trolley Square and Sheridan Square Report*. This report described Sheridan Square as “a consistent picture of speeding cars, and undefined traffic patterns.” The report called for increasing pedestrian safety in the square.

The Community Development Department undertook the redesign of Sheridan Square as part of its Traffic Calming Program in conjunction with scheduled roadway and sidewalk work on Rindge Avenue planned by the Department of Public Works. Three community meetings were held regarding the redesign and construction of Sheridan Square between March and November 1999. Each meeting was well attended by 20 to 30 residents. Prior to each meeting, press releases were sent to the newspapers, flyers were delivered to adjacent residents, and mailings were sent.

The pre-meeting mailings contained detailed plans outlining the various alternatives to be discussed. This allowed residents to have an advance understanding of what was going to be discussed at the meetings. It also gave residents an opportunity to comment on the design even if they could not attend the meetings.

The final design of Sheridan Square was developed through this community process and includes improvements that make the streets safer for people to walk, bike and drive. Throughout the design process residents expressed concerns about the wide open, confusing space; the excess amount of pavement; the speed of vehicles; and the lack of drivers yielding to pedestrians in crosswalks. The overall goals of the design are to reduce speeds and improve the safety for all users of the square.

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City staff from the Department of Public Works, Community Development Department, Traffic, Parking and Transportation Department, and the Fire Department reviewed and approved the design plans prior to construction.

Throughout the construction process, city staff from all of these various departments have been monitoring the operation of the redesigned square. The Fire Department has visited the site and performed several test runs, and has determined that the lane widths and turning radii are satisfactory for their trucks. The Department of Public Works does not anticipate any problems with snow clearance in Sheridan Square. In the past winters, snow plowing equipment has not had problems working in similarly constructed areas throughout the city.

A project evaluation of the Sheridan Square and Rindge Avenue improvements will be conducted over the next six to nine months. The evaluation will include speed and volume studies, pedestrian crossing studies, extensive observations, and a survey of residents.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

October 1, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-226, regarding a report on recommendations to avoid “urban heat island effect”, Assistant City Manager for Community Development Beth Rubenstein and Public Works Commissioner Lisa Peterson report the following:

The Problem

The urban heat island effect occurs as a result of impervious surfaces and buildings in urban areas absorbing sunlight during the day and releasing heat, which causes ambient temperatures to be 5 to 10 degrees higher than in nearby rural areas. As a result, urban dwellers use more energy to run cooling equipment in their homes, buildings, and vehicles. The urban heat island effect is also associated with higher levels of air pollution (more ozone is created at higher temperatures), heat-related health effects, and increased emissions of greenhouse gases. Strategies to reduce the urban heat island effect include increasing roof reflectivity (e.g., replace black roofs with lighter colored materials), adding vegetation with rooftop gardens or green roof technologies, using lighter colored paving materials on roads and parking lots, and planting vegetation to shade buildings and surfaces.

Current Activities

The following policies and actions are currently in place which address this issue:

- Public shade tree protection and management – The Department of Public Works acts as the City’s tree warden and administers the Public Shade Tree Act and conducts planting and maintenance programs on City property.
- In response to a council order, the City is reviewing the feasibility of green roofs on City building projects. Such a review has been performed for the renovation of City Hall Annex. While a green roof is not feasible, the architects have specified a reflective roof which will reduce the heat-absorbing properties of the roof and lower the energy demand of the building. A study is currently being conducted on all City owned buildings to determine the feasibility and costs of installing reflective, light colored material, and green-roofs.

The Honorable, The City Council

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- The recent citywide Zoning Ordinance amendments established green building criteria under the new permanent project review provisions for buildings over 50,000 square feet. The U.S. Green Building Council's LEED rating system, which the Project Review section cites, encourages measures such as green roofs and reflective materials. The City recently became a member of the U.S. Green Building Council.
- The City is in the process of developing a Climate Protection Plan with a committee of residents, experts, business people, and institutions, which will recommend actions to reduce greenhouse gas emissions. Many of these actions will have the added effect of reducing the urban heat island effect. The draft plan will be completed this fall.

Very truly yours,

Robert W. Healy
City Manager

October 1, 2001

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 01-233, regarding a report on procedures for permitting wireless transmitters/antennas, received from Inspectional Services Commissioner Robert Bersani.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

September 26, 2001

To: Robert W. Healy, City Manager

From: Bob Bersani, Inspectional Services

RE: Input to City Council Order #0-20 of 9/10/01 concerning Procedures for Permitting Wireless Transmitters /Antennas

This Council Order requests information on hearing notice procedures associated with wireless transmitters/antennas and information on the effect on nonprofit status when transmitters are rented to another party.

The Zoning Ordinance requires that a special permit be obtained from the BZA for installation of this equipment. The notice procedures that must be followed concerning the special permit public hearing are outlined in Art. 10.33 of the Zoning Ordinance which requires publication and posting as provided for under Sec. 11, Ch. 40A of the MGL (The Zoning Act) and by the installation of on-site notification panels as required by Sec. 10.42.1 of the Zoning Ordinance.

Sec. 11, Ch 40A provides for notice in the newspaper(generally the TAB) for two successive weeks with the first publication to be not less than fourteen days before the day of the hearing and by posting in the City Hall Clerk's Office for a period of 14 days before the day of the hearing. Notice is also required to be sent by mail to the petitioner, abutters, owners of land directly opposite on any public or private street, and abutters to abutters within 300 ft. of the property line of the petitioner. Notices are not mailed to tenants at these locations. Sec. 10.42.1 of the Zoning Ordinance provides for notice boards providing information concerning the application to be displayed beginning 14 days prior to the hearing at the applicant's property line such that they are visible to the general public.

In addition to these requirements, information concerning the BZA hearings is displayed on the City's web site in advance of the hearings. Also, if a specific request is made of the BZA Secretary for information concerning a specific hearing, then a copy of the notice would be mailed to that party.

I have no comments concerning the effect on nonprofit status when the antenna is rented.

October 1, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-225, regarding a report on converting traffic lights from incandescent to LED, Traffic, Parking & Transportation Director Susan Clippinger reports the following:

The Department is looking into the most cost-effective way to finance converting our incandescent signals to LED and determine the energy savings that can be realized. The cost and energy savings are different depending on which bulbs are changed. Green is more expensive than red or yellow. Changing yellows saves less energy because they are on for a much shorter time. To change all the signals would cost approximately \$700,000. In reviewing the implementation options we will consider funding strategies and phasing options. When the best implementation strategy has been determined funding will be requested through the capital budget process.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

October 1, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-234, regarding a report on using cameras to photograph drivers allegedly running red lights at City intersections, Traffic, Parking & Transportation Director Susan Clippinger reports the following:

Video enforcement of vehicles failing to stop at red lights is supported by the City legislation to allow the use of this enforcement tool is before the State Legislature. A copy of the recommended legislation is attached.

This bill has received a favorable report from the Committee on Public Safety and is pending a House Ways and Means Committee.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

October 1, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-204, regarding a report on how the City Hall renovation projects could fit into the City finance and capital budget plan, please be advised of the following:

I have asked the Capital Budget Committee to take up this matter during this year's capital budget deliberations. As the Capital Budget Committee reviews all capital requests and makes recommendations to me regarding project funding amounts, source and placement in the City's five-year capital plan. As you are aware the existing five-year capital plan contains several large projects already identified as City Council priorities. These projects include the Library, Police Station and open space acquisition. Realistically, the earliest a project of this scope could be funded, without adjusting existing City Council priorities, would be near the end of the existing five-year capital plan. This does not mean that planning and permitting for the project would have to wait until that time however. My full recommendation on this project will be presented to the City Council with the FY2003 Budget.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

October 1, 2001

To The Honorable, The City Council

Progress with implementing the recommendations of the Regional Truck Study has been occurring on a number of fronts over the last few months. As you recall, the Committee on Regional Truck Issues ("the Committee") finalized its recommendations in June, and all parties to the Memorandum of Understanding (MOU) that suspended the Nighttime Through Truck Ordinance are pursuing the recommendations in their respective communities. On June 18, the City Council acknowledged that the process of developing and implementing the study recommendations was ongoing, and resolved that the City Manager should proceed with the MOU process and continue suspension of the Nighttime Through Truck Ordinance through September.

The City of Cambridge and other signatories to the MOU have begun to coordinate and implement a number of the recommendations since June. The Committee held the last public meeting regarding the Regional Truck Study on June 26 to present the final recommendations. After comments were received, the recommendations were finalized, and the MOU was extended through September. The City Council's Transportation Committee also met on July 25 to discuss the recommendations. In the meantime, the City of Somerville's Traffic Commission met on July 17 to receive additional public comment.

In order to move as quickly as possible, the Traffic Department has already submitted to MassHighway its requests for the 24-hour and 11pm-6am truck bans that were recommended by the Committee. MassHighway has confirmed that the District 4 office is processing these requests for over 500 streets. The Traffic Department has begun to develop a signing plan to determine the total level of effort, and MassHighway has offered to help produce the necessary signs.

The Committee is meeting again on October 12 to begin finalizing the content of a regional truck map that will be produced by the Central Transportation Planning Staff with funding from MassHighway. Additional informational and educational materials will be discussed at that time, such as brochures and a truck routing website. Once developed, maps and other materials will be distributed to enforcement personnel and trucking companies. Truck route and restriction signing will be posted, and education and enforcement will begin.

The Traffic Department has begun to coordinate with other City departments who also will be responsible for implementing the recommendations. First and foremost, they have met with the Police Department Command Staff on August 20 and September 5 to brief them on the recommendations and discuss enforcement of the new restrictions. Police Department supervisors were briefed about the truck study as well as the Police Department's enforcement plan during the Quarterly Supervisory/Command Staff Training Session on September 26. Meanwhile, Emergency Communications Center supervisors were briefed on August 28 and September 26 regarding how the implementation of new truck bans will affect the call center and dispatching functions. Finally, the Traffic Department has met several times with the MIS

department as part of developing truck route and restriction maps for enforcement personnel, truckers, and the general public.

The Traffic Department anticipates receiving final approval from Mass Highway in the near future. They estimate that it will take at least three months from their approval to begin full enforcement of the new truck restrictions. During that time period, they will prepare work orders to install signs; procure or produce approximately 100 signs; and install them. I urge the City Council to support continuation of the ongoing work to implement the study recommendations and to continue suspension of enforcement of the Nighttime Through Truck Ordinance for a period of six months.

Also attached is the enforcement plan received from Police Commissioner Ronnie Watson.

Very truly yours,

Robert W. Healy
City Manager

attachment

October 1, 2001

To The Honorable, The City Council:

Please find attached additional information requested relative to Calendar Item No. 3, concerning a preservation easement for 2 Holyoke Place (Fly Club).

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

September 27, 2001

To: Robert W. Healy, City Manager
From: Charles Sullivan, Executive Director
Re: Fly Club Easement

The Fly Club, located at 2 Holyoke Place on the corner of Mount Auburn Street, has granted a preservation easement on its property to Historic Massachusetts, Inc. The effect of this easement is to protect the club building from redevelopment or inappropriate alterations. City Council approval of the easement is required under M.G.L. Chapter 184.

The Fly Club and numerous other undergraduate clubs and societies located on the Gold Coast, along Mount Auburn Street near Harvard Square, are not affiliated with the University and are considered commercial enterprises for local property tax purposes. All of the buildings are considered historically or architecturally significant, and have been listed on the National Register of Historic Places since at least 1986.

The Cambridge Historical Commission holds preservation easements on seven club buildings in Harvard Square. The easements were offered by the clubs in the mid 1980s when they began to be assessed at the commercial rate; they were accepted because of the threat of redevelopment posed by the permissive zoning then in effect.

The Fly Club contracted with Historic Massachusetts in 1987 to accept its easement because HMI was able to act as a conduit for tax-deductible contributions which the club needed to restore its building. This work has now been completed, and the club needs City Council approval to allow its donors to claim deductions for their gifts.

October 1, 2001

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 01-221, which requested a report on when AT&T new cable bills are generated concerning the NESN fee, received from Consumers' Council Executive Director Paul Schlaver.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

TO: Robert Healy
FROM: Paul Schlaver
THROUGH: Benjamin Barnes
DATE: September 27, 2001

RE: Council Order #29, dated 6/25/01 RE: Investigate additional billing
of AT&T cable customers in
Cambridge for NESN services.

I requested that Tim Murnane, Manager of Government Affairs for AT&T Broadband, respond to me regarding the question as to whether regular NESN subscribers that had paid the regular monthly fee (for July 2001) for this premium challenge would be reimbursed now that NESN is included in the package given to all Standard Cable Service customers.

Mr. Murnane reports that all NESN subscribers were given refunds/credits on their accounts and were contacted about this change in service that reduced their monthly bill. The Consumers' Council did not receive any complaints about this issue nor any inquiries since this apparent correction process. The only NESN-related inquiries we received were comments from disgruntled Cable TV customers that felt it was unfair for all to have to pay an additional \$1.40 per month now that NESN was added for all...whether they wanted this channel or not. That dissatisfaction of some consumers is not something the Consumers' Council or the City can address through its licensing authority.

October 1, 2001

To The Honorable, The City Council:

Please find attached for your consideration a Planning Board recommendation on the Birk Petition.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

September 26, 2001

To the Honorable, the City Council

Subject: Birk Petition Recommendations
Recommendation:

The Planning Board has concluded its deliberations on the Birk Petition. In its review of the rezoning proposals for the Eastern Cambridge area, the Board found the Birk Petition a useful tool, providing an alternative to the Eastern Cambridge Rezoning Petition. However, the Board finds the Eastern Cambridge Rezoning Petition, which is based on the year-long work and subsequent recommendations of the Eastern Cambridge Planning Study Committee, to be a coherent proposal which has integrity as a whole. Therefore, the Planning Board recommends unanimously that the Birk Petition not be adopted.

Respectfully submitted for the Planning Board

Larissa Brown, Chair

October 1, 2001

To The Honorable, The City Council:

Please find attached for your consideration a Planning Board recommendation on the Eastern Cambridge Rezoning Petition.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

September 26, 2001

To the Honorable, the City Council

Subject: Planning Board Eastern Cambridge Rezoning Petition Recommendation

Recommendation:

On September 20, the Planning Board voted unanimously to forward to the City Council its recommendation to adopt the Eastern Cambridge Rezoning Petition, with limited changes as detailed below. Zoning text required to implement the recommendations is attached. In addition, there are minor technical amendments throughout the text. The changes are highlighted in **bold type**.

Part I: North Point Base Zone and PUD (NP and PUD-6)

Recommendation: Adopt, with modifications to provide flexibility to increase the amount of commercial development permitted above the 35% maximum in the Eastern Cambridge Rezoning Petition subject to provision of certain public benefits. Further, allow above-grade parking under the PUD to be excluded from FAR subject to certain conditions.

The Board recommends adoption of this section with the modifications described below. In its review of projects under the PUD provisions, the Planning Board may consider the following:

1. Allow additional non-residential GFA up to an additional FAR of 0.26 if the MBTA's Lechmere Green Line Station is relocated and no additional parking is provided. In no event can non-residential FAR exceed 2.66. In its consideration of additional FAR, the Board will also look for evidence that affordable middle-income housing has been provided.
2. Permit additional GFA for above-grade parking structures if such structures serve to buffer noise from the railyards and meet certain physical criteria.
3. Allows some flexibility with respect to the placement of tall buildings within the height bands at North Point.
4. Require that proponents include a long-term monitoring plan in the PUD application for phased projects.

Eastern Cambridge Housing Overlay District (ECHO)

Recommendation: Adopt, with modifications to address use non-conformity that may be created as a result of the rezoning.

The Board recommends adoption of this section with the following change:

1. Include a provision to allow existing non-conforming uses to expand within the dimensional limits of the industrial base district.

PUD 4A, 4, and 4B Districts

Recommendation: Adopt as proposed in the Petition, with modifications to allow additional height flexibility in the part of the PUD 4B district south of Binney Street and east of Second Street on the condition that public benefits are provided.

The Board recommends adoption of this section with the following modifications:

1. In PUD-4B, the Planning Board may consider additional height up to 120 feet in a portion of the district south of Binney Street and east of Second Street provided that public benefits such as middle-income housing, open space, below-grade parking, and pedestrian connections are provided as part of the PUD proposal.

The Planning Board also recognizes the value of some of the proposed modifications suggested during the consideration of this Petition. Many of the concerns raised have been addressed through the proposed modifications. Others merit further examination as discussed below.

Biogen's proposal to move research and warehouse uses from sites adjacent to the neighborhood on Charles Street and Fulkerson Street to the Biogen property along Binney Street could potentially create a more positive impact adjacent to the neighborhood while locating development along Binney Street. However, additional FAR beyond what is proposed in the Petition would be required on the Binney Street site in order to accommodate the move. Also, with the sites close to the neighborhoods not being in Biogen ownership, the future use of those sites is uncertain. The Board feels that this issue should be referred to CDD and Biogen for further analysis and proposed solutions.

Similarly, MIT's proposal to develop housing at 1 Broadway has merit, but the proposed mechanisms to obtain additional FAR (transfer of development rights from the Transfer Receiving District or granting of additional FAR) run counter to the intent of the Transfer of Development Rights provision of the Petition, and need additional study.

Draper Labs has requested additional FAR to accommodate a new building behind its existing building at Broadway and Hampshire Streets. The Board feels that this aim could be accomplished through the purchase of development rights under the Transfer of Development Rights provisions of the Petition.

Finally, the Planning Board would like to commend the ECaPS Committee on their detailed and diligent work on the Eastern Cambridge Planning Study over the past year. The Committee's work formed the basis of the Eastern Cambridge Rezoning Petition and the Planning Board has endeavored to maintain the integrity of the Committee's efforts in the modifications proposed in the Board's recommendation.

The Planning Board unanimously recommends the adoption of the Eastern Cambridge Rezoning Petition with the modifications outlined in this letter and in the attached zoning text.

Respectfully submitted for the Planning Board

Larissa Brown, Chair

**PART I - NORTH POINT BASE ZONE AND PUD
(NP AND PUD-6).**

- A. Delete the existing text of Article 16.000 - North Point Residence, Office and Business District and substitute therefor the following.**
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ARTICLE 16.000 NORTH POINT RESIDENCE DISTRICT

- 16.10 SCOPE AND INTENT
- 16.20 USE REGULATIONS
- 16.30 Environmental Protection Standards**
- 16.40 DIMENSIONAL REGULATIONS
- 16.50 PARKING LOADING REQUIREMENTS
- 16.60 SIGNS
- 16.70 INAPPLICABILITY OF CERTAIN OTHER REGULATIONS

16.10 *Scope and Intent*

- 16.11 *Scope.*** This Article regulates development within the North Point Residence District (the "District"), located as shown on the Zoning Map, as amended.

- 16.12 *Intent.*** The purpose of the District is to limit as-of-right development due to limited road access and general traffic concerns. The intent of this Article 16.000 is to provide for the development of the area into a residential community with limited retail and office uses at a modest density through the provisions of this Article or at a higher density through the PUD process provided in Section 13.70.

16.20 *Use Regulations*

- 16.21 *Permitted Uses.*** The following uses are allowed in the District. All uses not listed within one of the use groups in this section shall be prohibited. All uses within the District shall comply with the environmental protection standards of Section 16.22. The provisions of Section 4.50 et seq. shall not apply to institutional uses permitted within the District pursuant to Section 16.21.5.

- 16.21.1 *Residential Uses, Section 4.31.*** The following residential uses shall be permitted.

- (1) One and two family dwelling (**Sections 4.31 a, b, and c**).
- (2) Townhouse development (**Section 4.31 d**).

- (3) Elderly congregate housing (**Sections 4.31 e and f**).
- (4) Multifamily dwelling (**Sections 4.31 g and h**)

16.21.2 *Office and Laboratory Uses, Section 4.34.*

The following office **and laboratory** uses shall be permitted provided they are in a building in existence as of June 1, 2001 that, if vacant, has not been occupied by a residential use in the five years immediately preceding the time of application for a Certificate Of Occupancy for the proposed office use, or if occupied, the current use is any office and laboratory use, Section 4.34; any retail business and consumer service establishment, Section 4.35; any light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38. In permitting such office and laboratory uses, additional Gross Floor Area up to 10% of the existing Gross Floor Area in the building shall be permitted provided the total FAR does not exceed 1.0.

- (1) Office of a physician, dentist or other medical practitioner not located in a clinic listed in Subsection 4.33d, as an accessory use occupying not more than twenty-five (25) percent of the aggregate gross floor area of all buildings on a lot, excluding from that calculation any Gross Floor Area devoted to parking facilities (**Section 4.34 a**).
- (2) Office of an accountant, attorney, or other non-medical professional person (**Section 4.34 b**).
- (3) Real estate, insurance or other agency office (**Section 4.34 c**)
- (4) General office use (**Section 4.34 d**)
- (5) Bank, trust company or similar financial institution (**Section 4.34 e**).
- (6) Technical office for research and development, laboratory and research facility (**Section 4.34 f**).

16.21.3 *Retail and Consumer Service Establishments, Section 4.35.*

The following uses shall be permitted provided they are located on the first floor of the structure, front **on** a public way, and occupy no more than ten (10) percent of the total Gross Floor Area of the structure in which they are located, excluding from that calculation any Gross Floor Area devoted to parking facilities **located in the structure**.

- (1) Store for retail sale of merchandise, **Section 4.35 a (1) and (2)**.

- (2) Eating and/or drinking establishment, whether or not liquor is sold or consumed, including restaurant, bar, lunchroom, cafeteria and food commissary, **(Sections 4.35 e, f, g)**.
- (3) Fast order food establishment subject to the Special Permit requirements of Section 11.30, **Section 4.35 q)**.
- (4) Consumer service establishment, including but not limited to hairdresser, barber shop, laundry or dry cleaning pickup establishment, self service laundry, shoe repair or tailoring shop, or photography studio, **(Section 4.35 c, d and similar establishments)**.
- (5) Bank, trust company or similar financial institution located on the first floor, **(Section 4.34 e)**.

16.21.4 Utilities, (Section 4.32 g (1) and Section 4.32. g (2) by special permit subject to the following provisions:

Any Telephone Exchange use **[Section 4.32 g (1)]** proposed having a floor area greater than four hundred (400) square feet shall only be permitted in a building in existence as of June 1, 2001 that, if vacant, has not been occupied by a residential use in the five years immediately preceding the time of application for a Certificate Of Occupancy for the proposed office use, or is occupied, the current use is any office and laboratory use, Section 4.34; any retail business and consumer service establishment, Section 4.35; any light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38.

16.21.5 *Institutional Uses*

- (1) All uses permitted in Sections 4.33a, b, c, d, e, f, and g.
- (2) All uses permitted in Section 4.33h, 1 or 2.
- (3) Any institutional use not referred to in subparagraphs (1) and (2) above, but only by special permit from the Planning Board pursuant to Section 10.40

16.21.6 *Bus, Transit or Railroad Passenger Station, Section 4.32 a*

Any such facility operated by the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic.

- 16.30** *Environmental Protection Standards.* No activity shall be permitted in the District unless it shall conform to the following standards for environmental protection:
- 16.31** All dust, fumes, odors, smoke or vapor shall be effectively confined to the premises or disposed of in compliance with applicable environmental laws.
- 16.32** Any noise, vibration or flashing shall not be normally perceptible without instrument measurement at a distance of one hundred (100) feet or more from the premises.
- 16.33** All development proposals shall comply with the Federal and State air pollution and water pollution control regulations, City of Cambridge Ordinances, and other applicable environmental laws.
- 16.34** Except during construction activity on the lot, all refuse and other waste materials shall be stored within buildings prior to collection and disposal.
- 16.40** **Dimensional Regulations**
- 16.41** *Lot Density Limitation.* For each lot within the District, a permitted floor area ratio (as defined in Article 2.000) of 1.0 is hereby established for each lot, and shall not be exceeded. The area of the lot to be counted in determining the floor area ratio shall include land dedicated (after adoption of this Article 16.000) by the owner or former owner of the lot, whether in fee or by easement, deed restriction, covenant or comparable legal instrument enforceable by the City of Cambridge or other public entity, as a public way, private way open to the public use, or public open space.
- 16.42** *Building Height Limitation.* The maximum building height for all buildings within the District shall be forty (40) feet.
- 16.43** *Open Space.* Publicly beneficial open space, as defined by this ordinance, shall be provided on every lot and shall in the aggregate equal at least twenty (20) percent of the area of such lot.
- 16.44** *Other Dimensional Regulations.* The minimum lot area per dwelling unit requirement in the District shall be 600 square feet. There shall be no requirement with respect to minimum lot width. Minimum front, side or rear yards shall be as required in the Residence C-2 District. The minimum lot area shall be 20,000 square feet.
- 16.50** **Parking and Loading Requirements**
- 16.51** *Parking and Loading Requirements.* Off-street parking and loading requirements shall be the same as currently specified in Article 6.000 and in the Schedule of Parking and Loading Requirements applicable to the Residence C-3, Office 3, Business B and Industry B districts, except as modified below.

16.51.1 Parking facilities may be located on the lot they serve or, by special permit from the Planning Board under Section 10.40 or Section 13.70, may be located in whole or in part in one or more pooled private or public parking facilities located anywhere within the North Point Residence District. The Planning Board shall not withhold a special permit permitting such a pooled parking facility so long as the limitations of the maximum amount of parking provided in this Section 16.50 are observed with respect to all affected lots, in the aggregate.

16.51.2 *Minimum and Maximum Parking Requirements:* Accessory off street parking shall be provided as follows:

(1) Residential Uses: 1 space per unit minimum and 1.5 spaces per unit maximum.

(2) General Office Use: 1 space per 1,250 gross square feet minimum and 1 space per 625 gross square feet maximum.

(3) Technical Office for Research and Development Uses: 1 space per 1,675 gross square feet minimum and 1 space per 840 gross square feet maximum.

(3) Retail and Consumer Service Uses: No accessory parking shall be required if the retail and consumer service uses are located on the ground floor and front on and have a public entry directly onto a publicly accessible street.

All other uses shall be subject to the requirements of Article 6.000

16.51.21 Notwithstanding the provisions of Section 16.51.2 above, the total number of parking spaces serving non-residential uses in the North Point Residence District shall not exceed 2,500 spaces, allocated to each lot in the district at the rate of 1.2 spaces per 1,000 square feet of lot area.

16.60 Signs

16.61 The sign regulations of Article 7.000 applicable to Retail, Office and Industrial Districts shall be applicable in the District.

16.70 *Eastern Cambridge Design Guidelines.* In reviewing any special permit that may be required for development in the North Point Residence District, the permit granting authority shall **find that any development proposal is generally consistent with the policy objectives set forth in the *Eastern Cambridge Plan* and the guidance provided in the *Eastern Cambridge Design Guidelines*.** Any development permitted as-of-right is encouraged to be consistent with these Guidelines.

16.80 Inapplicability of Certain Other Regulations

16.81 Where this Article 16.000 specifies some standard or establishes some other requirement contrary to or inconsistent with a requirement elsewhere in this Ordinance, the provisions of this Article 16.000 shall control.

B. Delete existing Section 13.70 - PUD North Point Residence, Office and Business District and substitute therefor the following.

13.70 PLANNED UNIT DEVELOPMENT IN THE NORTH POINT RESIDENCE DISTRICT.

13.71 *Purpose.* This Section 13.70 is intended to provide the opportunity to create a new residential neighborhood from an area now primarily industrial in character. Retail and office uses **and other, community services** are encouraged as part of that neighborhood to serve the residential community and stimulate activity in the area for extended hours throughout the day. Significant new public open space to serve the residents of the district and the general public is desired. It is also intended that development in the PUD in the North Point Residence District will be generally consistent with the policy **objectives** set forth in the *Eastern Cambridge Plan* and **guidance provided in the** *Eastern Cambridge Design Guidelines*.

13.72 *Applicability.* A special permit for a Planned Unit Development may be granted by the Planning Board in the North Point Residence District in accordance with the requirements of Sections 12.30 and 12.40, and the development controls specified in Section 12.50 and this Section 13.70. All references to and requirements for a PUD district in those sections shall also apply to a Planned Unit Development in the North Point Residence District.

13.73 *Use Regulations.* Any use permitted in Article 16.000 - North Point Residence District may be allowed by the Planning Board, but subject only to the requirements and limitations of this Section 13.70. Other uses, not permitted in Article 16.000 but permitted in a Business B District, may be allowed by the Planning Board upon a written determination that such use is compatible with and advances the **policy** objectives of the *Eastern Cambridge Plan* and that it is necessary to support the predominant residential use in the PUD in the North Point Residence District. However, non-residential uses may not constitute more than thirty-five (35) percent of the total authorized Gross Floor Area within any Development Parcel, exclusive of both Gross Floor Area devoted to parking facilities and the additional Gross Floor Area (GFA) that may be constructed as a result of the application of FAR bonuses permitted in Section 11.200.

13.73.1 *Special Provisions Related to Permitted Retail Uses.*

(1) The total Gross Floor Area for retail and consumer service establishments authorized by the Planning Board in all approved PUDs within that portion of the PUD in the North Point Residence District located west of Charlestown Avenue shall not exceed 75,000 square feet or 25,000 square feet for that portion of the PUD located east of Charlestown Avenue, unless a finding is made by the Planning Board that additional retail use will better serve the objectives of this Section 13.70 and the objectives of the *Eastern Cambridge Plan*. All retail and consumer services establishments shall be subject to the following limitations:

(i) In no instance shall any individual retail or consumer service establishment exceed 10,000 gross square feet unless the Planning Board determines in writing that establishments of a greater size better support and serve the residents within the PUD district and better advance the policy **objectives** set forth in the *Eastern Cambridge Plan* and the **guidance proved in the** *Eastern Cambridge Design Guidelines*.

(ii) No off street parking is provided.

(2) The initial 50,000 square feet of retail and consumer service establishments authorized in total in approved PUDs shall be exempt from any limitations as to non-residential Gross Floor Area as set forth in Section 13.73.1 above subject to the following limitations:

(i) The GFA is located on the ground floor and fronts on and has a public entry onto a publicly accessible street.

(ii) The establishment is located within the 500-radius described in Section 13.74.11 below.

13.73.2 *Limitations on Telephone Exchange Uses.* Where the floor area of any such use exceeds 400 square feet, the use shall only be located within 250 feet of the Boston/ Somerville/Cambridge municipal boundary line and west of Charlestown Avenue.

13.74 *Dimensional Requirements.*

13.74.1 *Floor Area Ratio (FAR) Limitation.* The maximum ratio of floor area to the total area of the development parcel shall be 2.4 except as modified by Sections 13.74.11 – 13.74.13 below. Any GFA contained within the head house or transit station serving the MBTA Green Line, excluding any GFA occupied by private retail, office, or other uses, shall not be subject to the FAR limitations set forth in this Section 13.74.1.

13.74.11 *Additional FAR for Proximity to Transit.* For any portion of a Development Parcel located within a 500-foot radius of a point defined as the intersection of the centerline of McGrath and O'Brien Highway and the northerly extension of the centerline of First Street, the permitted FAR shall be 3.0. That portion of said Development Parcel

shall be permitted to use up to 35% of the allowable FAR for non-residential uses. The portions of the development parcel outside the 500-foot radius shall be subject to the limitations of Sections 13.74.1 and 13.74.12. The additional GFA permitted by this Section 13.74.11 must be located within the portion of the development parcel located within the 500-foot radius. (See Map 13.81)

13.74.12 *Additional FAR for Increased Residential Use.* For those portions of the PUD district not located within the 500-foot radius described in Section 13.74.11, the FAR permitted in Section 13.74.1 may be increased according to the schedule set forth below as the proportion of GFA devoted to residential uses increases, as proposed in the application for a PUD special permit and approved by the Planning Board.

Proportion of Residential GFA Proposed and Approved	Permitted FAR
All residential	3.0
No less than 90%	2.9
No less than 85%	2.8
No less than 80%	2.7
No less than 75%	2.6
No less than 70%	2.5
No less than 65%	2.4

To attain the increase in FAR, the proposed development must attain the percentage thresholds indicated above. There shall be no partial application of the gradations noted above.

13.74.2 *Minimum Development Parcel Size.* The minimum size of the Development Parcel shall be the larger of (1) one hundred thousand (100,000) square feet or (2) seventy-five percent of the area of a lot or combination of lots (a) in existence as of June 1, 2001 and (b) held in common ownership where it is proposed to incorporate any portion of such lot or lots within the Development Parcel. The area of the development parcel may include land dedicated (after adoption of this Section 13.70 and prior to any application for a PUD special permit under this Section 13.70) by the owner or former owner of the lot, whether in fee or by easement, deed restriction, covenant or comparable legal instrument enforceable by the City of Cambridge or other public entity, as a public way, private way open to public use, or public open space.

13.74.21 Where the Development Parcel required in Section 13.74.2 is greater than 100,000 square feet, the applicant may at his own discretion designate a portion of Development Parcel as a Master Plan Area, within which area physical information may be presented in a more generalized way, subject to more detailed approval by the Planning Board at a time and in a manner determined by the Board in its PUD special permit decision. Within the Master Plan Area location of streets and public parks, the quantities of proposed land uses, general building envelopes, locations and heights

shall be indicated in sufficient detail that the Planning Board can reasonably assess the impact of the Master Plan and its **general** consistency with the objectives of the PUD district and the **guidance provided in the *Eastern Cambridge Design Guidelines***.

13.74.3 *Maximum Building Height.* The maximum height of buildings in the PUD district shall be eighty-five (85) feet except as otherwise shown on the PUD in the North Point Residence District Height Limitation Map (Map 13.71) and as described herein. Height is further regulated by the provisions set forth in Sections 13.74.31 – 13.74.33 below.

(1) *Maximum Building Height of One Hundred and Fifty (150) Feet.* The maximum height of buildings shall be 150 feet in the following described areas:

(a) That area bounded by a line beginning as the centerline of Charlestown Avenue, then the centerline of North Point Boulevard and its southeasterly extension to the Cambridge/Boston municipal boundary line, then the Cambridge/Boston municipal boundary line, and then the centerline of O'Brien Highway (Bridge Street) to the point of origin.

(b) That area bounded by a line beginning as the centerline of Charlestown Avenue, then the centerline of O'Brien Highway, then a line northwesterly of, parallel to and 200 feet distant from the northwesterly sideline of Charlestown Avenue, then a line northerly of, parallel to and 225 feet northerly of Reference Line #1 (**see Section 13.74.34**), then a line turning in a northerly direction which is the northerly extension of the centerline of Second Street to its intersection with the Cambridge/Somerville municipal boundary line, then the Cambridge/Somerville/Boston municipal boundary line to the point of origin.

(2) *Maximum Building Height of One Hundred and Twenty (120) Feet.* The maximum height of buildings shall be 120 feet in the following described area: That area bounded by a line beginning as boundary of the area described in 13.74.3 1b above; then the centerline of O'Brien Highway; then a line northwesterly of, parallel to and 325 feet distant from the northwesterly sideline of Charlestown Avenue; then a line northerly of, parallel to and 100 feet distant from Reference Line #1 (**see Section 13.74.34**); then the Special District 1 zoning district boundary line, then the Cambridge/Somerville municipal boundary line to the point of origin.

13.74.31 *Portions of Buildings Limited to Sixty-five Feet.* Any portion of a building that is within fifty (50) feet of an existing or proposed Public Open Space or single intervening street abutting that open space may exceed 65 feet only if for each floor above 65 feet, that floor is set back an additional 10 feet from the façade of the floor below, until the maximum height is attained, or until a 20 foot setback from the façade at 65 feet is attained. Alternately, a set back of 20 feet from the façade of the building at a height of 65 feet shall be permitted, and the remaining portions of the building

allowed to achieve the maximum height permitted by Section 13.74.3, or any variation between the two provisions.

13.74.32 *Additional Height to Two-hundred and Twenty Feet.* The Planning Board may in its discretion permit no more than three residential buildings (in addition to those permitted in Section 13.74.33 below) to exceed a height of one hundred and fifty (150) feet up to a maximum height of two hundred and twenty (220) feet in that portion of the PUD in the North Point Residence District west of Charlestown Avenue, subject to the following limitations.

(1) All such buildings shall be located in that portion of the PUD in the North Point Residence District where the base height for all buildings is one hundred and fifty feet.

(2) Portions of said buildings above sixty-five feet are separated from each other by a distance of at least 500 feet.

(3) For any portion of the building above sixty-five feet, the building floor plate shall not exceed 15,000 square feet and one hundred and fifty (150) feet in any one horizontal dimension. For portions of the building above 150 feet, the building floor plate shall not exceed 10,500 square feet.

13.74.33 *Additional Height to Two-hundred and Fifty Feet.* The Planning Board may in its discretion permit no more than two residential buildings to exceed one hundred and fifty feet in height up to a maximum height of two hundred and fifty (250) feet in that portion of the PUD in the North Point Residence District east of Charlestown Avenue, subject to the following limitations.

(1) All such buildings shall be located in that portion of the PUD in the North Point Residence District where the base height for all buildings is one hundred and fifty feet.

(2) For any portion of the building above sixty-five feet, the building floor plate shall not exceed 15,000 square feet and one hundred and fifty (150) feet in any one horizontal dimension.

13.74.34 *Description of Reference Lines.* Reference Line #1 and Reference Line #2 shall be as described herein:

(1) Reference Line #1 is that line which is the northwesterly extension of the centerline of North point Boulevard that, at its intersection with Reference Line #2, is deflected south by 32 degrees and continues thereafter to its intersection with the Special District 1 zoning district boundary line.

(2) Reference Line #2 is that line which is northwesterly of, parallel to, and nine hundred (900) feet distant from the northwesterly sideline of Charlestown Avenue.

13.74.35 *Waiver of Height Limitations*

In order to provide a limited level of flexibility in developing a comprehensive plan for currently vacant or underdeveloped parcels of land in North Point, the Planning Board may accept a (preliminary) Development Proposal and may approve a Final Development Plan in which one or more buildings or portions of buildings, no higher than one hundred and fifty (150) feet, do not conform to the height limitations set forth in Section 13.74.3 above, subject to the following limitations and conditions.

(1) The building or portion of a building does not extend more than 100 feet into the adjacent, more restrictive height band as set forth in Section 13.74.3 and illustrated on Map 13.71.

(2) The building or portion of a building extending into the more restrictive height band does not exceed the height limit established in the less restrictive height band from which it is being extended.

(3) Such extensions are limited in nature, not inconsistent with the objective of establishing the height band provisions of Section 13.74.3, and are generally consistent with the *Eastern Cambridge Design Guidelines*.

(4) Other buildings proposed can be demonstrated to be lower than might otherwise be required should the height waiver not be granted by the Planning Board.

(5) The applicant can demonstrate to the satisfaction of the Planning Board that the requested deviations from the height provisions of Section 13.74.3 are reasonable in the context of the proposed Final Development Plan as a whole and permit an organization of buildings, streets, opens space and other features of the Final Development Plan that better serve the public interest and the objectives of the PUD than might otherwise be the case with strict adherence to the height limits established in Section 13.74.3

13.74.4 *Other Dimensional Requirements.* There shall be no specified minimum lot size for lots located within a Development Parcel. There shall be no minimum lot area per

dwelling unit requirement. There shall be no requirement with respect to minimum lot widths or minimum front, side or rear yards in the District. The Planning Board shall approve all proposed building setbacks and lot configurations.

13.75 *Open Space.* Any combination of Public Open Space, Green Area Open Space or Permeable Open Space, as defined in this Ordinance, shall be provided on every Development Parcel and shall in the aggregate equal at least twenty (20) percent of the area of such Development Parcel. Owners of adjacent Development Parcels may collectively provide such open space by dedication, easement, deed restriction, covenant, or comparable legal instrument enforceable by the City of Cambridge or other public entity, in which event each such development parcel shall, for purposes of this Section 13.70 be deemed to include such portion of such open space as such owners shall allocate to it in such legal instrument. This open space requirement shall be subject to the following provisions.

(1) All required open space shall be generally accessible to the public for reasonable periods throughout the day for the purposes for which the open space is designed and approved by the Planning Board, which may include but not be limited to walking, bicycling, active and passive recreation. The Planning Board must approve any proposal to significantly limit public access to the required open space.

13.75.1 *Required Public Open Space.* Any approved Planned Unit Development whose Development Parcel consists in part or entirely of a lot or combination of lots (a) in existence as of June 1, 2001, (b) held in common ownership, and (c) is at least 250,000 square feet in size shall be obligated to allocate a portion of its open space requirement as set forth in Section 13.75 above as Public Open Space meeting the requirements set forth in Section 13.75.11 below. This obligation shall remain with such lot or combination of lots in its entirety, notwithstanding any subdivision or change of ownership that may occur after June 1, 2001. In each instance where such a lot or combination of lots, or a portion thereof, is included within a development parcel, the PUD special permit shall only be granted if it is established to the satisfaction of the Planning Board that the Public Open Space required in this Section 13.75.1 can be provided even if its location is on a portion of the lot or combination of lots not included within the Development Parcel under review.

13.75.11 *Requirements of the Public Open Space.* The required Public Open Space shall consist of a contiguous parcel of land of at least two and one half (2.5) acres in size at a location and designed in a manner consistent with the Eastern Cambridge Plan. As defined, the Public Open Space shall be within the control of the City of Cambridge through fee simple conveyance, easement, or other legal mechanism acceptable to the City. The Planning Board in its conditions shall establish the time by which the facility completed. In the event that the City of Cambridge does not accept the facility, the PUD permittee shall maintain the park for the use of the general public as originally designed and approved by the Planning Board in the Special Permit. The Public Open Space shall be designed and constructed by the permittee according to the conditions of the PUD Special Permit and when conveyed to the city shall be

environmentally and otherwise suitable for the recreational uses for which it is designed.

Only one facility of 2.5 acres or greater shall be required within the North Point PUD District. Once the Public Open Space obligation has been met, any remaining open space required for any PUD need only be consistent with the requirements of Section 13.75 and the applicable guidelines of the Eastern Cambridge Plan. The required facility shall be created according to the following rules.

(1) Where the Development Parcel includes a lot or combination of lots defined in 13.75.1 above where that lot or combination of lots is at least 250,000 square feet in area but less than ten acres, and where the development parcel encompasses a portion of the site of the required Public Open Space as illustrated in the Eastern Cambridge Plan, the open space required in the PUD shall be allocated in the approved Final Development Plan in part or in full at the proposed location of the Public Open Space.

(2) Where the PUD Development Parcel includes all or a portion of a lot or combination of lots with an area greater than 10 acres, the PUD Final Development Plan shall be required to create in its entirety a 2.5-acre Public Open Space consistent with the Eastern Cambridge Plan; if development of a 2.5-acre Public Open Space has previously occurred in whole or in part, that portion of the Public Open Space not designated in any previously approved PUD shall be provided.

13.76 ***Parking and Loading Requirements.*** Off-street parking and loading requirements shall be the same as currently specified in Article 6.000 and in the Schedule of Parking and Loading Requirements applicable to the Residence C-3, Office 3, Business B and Industry B districts, except as modified below.

13.76.1 Parking facilities may be located on the lot they serve or may be located in whole or in part in one or more pooled private or public parking facilities located anywhere within the PUD in the North Point Residence District.

13.76.2 Parking and loading requirements shall be as follows:

(1) Residential Uses: 1 space per unit minimum and 1.5 spaces per unit maximum.

(2) General Office Uses: 1 space per 1,250 gross square feet minimum and 1 space per 625 gross square feet maximum.

(3) Technical Office for Research and Development Uses: 1 space per 1,675 gross square feet minimum and 1 space per 840 gross square feet maximum.

(4) Retail and Consumer Services: No accessory parking shall be required if the retail and consumer service uses are located on the ground floor and front on and have a public entry directly onto a publicly accessible street.

13.76.21 Notwithstanding the provisions of Section 13.76.2 above, the total number of parking spaces serving non-residential uses in the PUD in the North Point Residence District shall not exceed 2,500 spaces, allocated to each Development Parcel at the rate of 1.2 spaces per 1,000 square feet of land in the Development Parcel.

13.77 *Approval of Roadway Plan*

No Final Development Plan shall be approved by the Planning Board without Planning Board approval of a Roadway Plan. The Planning Board shall not approve a Roadway Plan (which shall include all proposed roads, streets, driveways and other motor vehicle circulation routes) as part of the Final Development Plan unless the Planning Board finds that the impact of traffic projected to use the approved roadways is consistent with the objective of the PUD in the North Point Residence District to limit the extent of single occupancy vehicle access to the district and is consistent with the traffic findings required in Section 19.20 – Project Review Special Permit.

Notwithstanding the provisions of Section 6.22.4, all accessory parking for development approved in a Final Development Plan shall be provided within the approved PUD area unless the Planning Board specifically allows accessory parking at other locations, consistent with all other provisions of Article 6.000.

13.78 *Other Provisions*

13.78.1 *Signs.* The sign regulations of Article 7.000 applicable to Retail, and Office Districts shall be applicable in the District.

13.78.2 *Perimeter and Transition.* Any part of the perimeter of a planned unit development which fronts on a public open space for not less than two hundred and fifty (250) feet or is immediately adjacent to and within three hundred (300) feet of the Charles River shall be so designed as to complement and harmonize with adjacent land uses (existing or proposed) with respect to scale, density, setback, bulk, height, landscaping, and screening.

13.78.3 *Traffic Mitigation Measures.* In reviewing a development proposal under the provisions of this Section 13.70 and Section 19.20, the Planning Board shall determine that the proponent has demonstrated, at the time of Final Development Plan Approval, a commitment to a Transportation Demand Management program consistent with the reduced parking mandated in **this** Section 13.70. The measures to be taken in this program must address:

(1) The amount of parking provided,

(2) The scale of development and the mix of uses proposed, and

(3) The assumptions employed with regard to the proportion of automobile use for those traveling to the site.

For examples of such Measures, the Planning Board shall refer to the *Eastern Cambridge Plan*, Article 18.000, and the requirements of Section 19.20 in establishing Transportation Demand Management measures applicable to any approved PUD.

13.78.4 *Relationship to MBTA Urban Ring Transportation Planning Project.* In all PUD application documents, the applicant shall indicate how the proposed PUD development relates physically to the most current plans developed by the MBTA for implementation of the Urban Ring transportation project.

13.79 *Development Flexibility: Additional Permitted FAR and Height*

Notwithstanding any other provisions of this Section 13.70, the Planning Board may accept a (preliminary) Development Proposal and may approve a Final Development Plan that exceeds (1) the FAR limits otherwise required and (2) the proportion of non-residential GFA otherwise required subject to the following limitations and conditions.

13.79.1 *Previously Issued Planned Unit Development Special Permits*

The mix of uses, Gross Floor Area, and other dimensional characteristics of any existing construction authorized by the grant of a PUD Special Permit, issued before the adoption of this amended Section 13.70, shall be permitted by this Section 13.70. Such mix of uses, GFA, and dimensional characteristics may be reauthorized by any subsequent PUD Special Permit issued for the same Development Parcel under procedures established in this Section 13.70.

13.79.2 *Additional Gross Floor Area for Above Ground Structured Parking*

The Planning Board may permit additional Gross Floor Area for the exclusive use of structured accessory parking located above grade subject to the following limitations. It is the intent of this Section 13.79.2 to permit the use of above ground parking structures as an acoustical and visual barrier between occupied space (particularly

housing within the district and beyond the district in the existing East Cambridge neighborhood) and the active rail lines, yards and operations therein abutting the North Point Residence District. In permitting such above ground structured parking, it is expected that the authorized structures will be architecturally and visually well integrated with the development as a whole and not in themselves negatively impact the quality of the development.

(1) The parking facility shall be located adjacent to the Somerville municipal boundary line, but in no case may it extend further than one hundred and fifty (150) feet from the lot line between property used for active rail use and property proposed to be developed within the Development Parcel for other uses or on other land proposed to be developed in conjunction with any development authorized by this Section 13.70. It is understood that such lot line and land may be in part located in another municipality.

(2) The facility shall have a height no greater than twenty-five (25) feet unless the Planning Board specifically authorizes a greater height.

(3) The design of the garage shall be of a quality comparable to that of other, non-parking structures in the PUD.

(4) The structure shall be screened with active uses to the maximum extent possible, but at least where it is likely to be viewed from the principal pedestrian pathways within the PUD.

(5) The applicant shall provide to the Planning Board a study prepared by an acoustical engineer outlining the anticipated impact of the proposed development plan on the abatement of sound transmission from the adjacent rail yards to areas within the PUD area and in the residential East Cambridge neighborhood south and west of Msgr. O'Brien Highway.

Section 13.79.3 *Additional Gross Floor Area for Non-residential Uses*

The Planning Board may permit additional Gross Floor Area for permitted non-residential uses subject to the following limitations:

(1) The additional non-residential GFA authorized shall not exceed that resulting from the application of an FAR of 0.26 and it shall be in addition to and not a substitute for the residential uses required in Section 13.74.1. In no case, however, shall the total authorized GFA for the approved PUD exceed an FAR of 2.66. The the provisions of Section 13.74.11 (*Additional FAR for Proximity to Transit*) may continue to apply but in no case may the FAR permitted in that section exceed 3.0.

(2) No additional parking shall be provided for this additional authorized non-residential GFA. The parking supply upon which that determination is made shall be that supply permitted by the Planning Board for the development and mix of uses permitted in Section 13.74.1.

(3) The applicant shall demonstrate to the satisfaction of the Planning Board that the project with the additional non residential GFA shall permanently not generate more single occupancy vehicle traffic and more vehicular traffic in total than was determined to be generated and found to be acceptable by the Planning Board for that quantity and mix of development permitted in Section 13.74.1. It is anticipated that such a standard shall be met through limitations as to the uses permitted in the additional GFA and through the provision of permanent transit enhancement improvements above those required to be provided to gain approval of the GFA and use mix permitted in Section 13.74.1. In no case, however, shall the additional non-residential FAR permitted in

this Section 13.79 be granted by the Planning Board unless the relocation of the MBTA Green Line Station at Lechmere is a part of the PUD application and the Planning Board is satisfied that its construction at a new North Point location will occur.

(5) To be assured that the transportation related behavior of residents and commercial tenants predicted to occur in the Traffic Study is borne out in fact as structures are occupied, the Planning Board may require that any additional non-residential GFA authorized by this Section 13.79.3 shall only be constructed at a later phase of the authorized development. The Board may require that the construction be permitted only after monitoring of actual traffic generation by those residents and employees actually occupying the site. In its decision the Planning Board may establish criteria and procedures for the timing of such subsequent monitoring of traffic generation, including but not limited to the proportion of total development that is occupied, the length of time such buildings have been fully occupied, and the mix of uses in place.

If it is demonstrated that the anticipated traffic generation is in excess of that approved in the granting of the PUD special permit, no additional GFA as authorized in this Section 13.79.4 shall be granted a building permit until such time as the required traffic generation limits have been consistently met.

In order to facilitate such monitoring and phased construction, the Development Proposal and the Final Development Plan shall identify the location and size of any building or portion of a building utilizing the GFA authorized by this Section 13.79.4. Each such location and building or portion of a building shall be clearly severable from any GFA permitted in Section 13.74.1 and authorized in the PUD such that the

remaining development constitutes a coherent and functional development plan. All plans shall identify alternate uses for such locations should the non-residential GFA not be permitted to proceed.

13.79.4 *Provision of Housing Affordable to Middle Income Households*

In reviewing any application for additional Gross Floor Area as authorized in Sections 13.79.2 and 13.79.3 above, the Planning Board may consider demonstrated efforts on the part of the applicant to provide permanently affordable housing for middle income households having an income at or below one hundred and twenty (120) percent of the median income for households in the Boston Standard Metropolitan Statistical Area, in addition to those affordable units otherwise required in Section 11.200.

13.710 *Monitoring of Compliance with PUD Conditions*

The Planning Board shall establish in its Decisions the details for monitoring of the project and its performance, as it is implemented phase by phase. In anticipation of such conditions, the applicant shall provide in the application a proposed plan for such long-term monitoring and review.

C. Amend Section 2.000 Definitions by deleting the current definition of Public Open Space and substitute the following.

Public Open Space. An area owned or controlled by the City of Cambridge or other public entity that is intended for public use, that is open to the sky and that is designed for either environmental, scenic, or recreation purposes. Public Open Space may include but is not limited to lawns, decorative plantings, interior walkways, abutting sidewalks, active and passive recreation areas, playgrounds, fountains, and public performance areas. Public Open Space shall not include rooftop areas, patios, balconies, parking lots, or driveways. Limited paved surfaces may be designed to accommodate occasional use by motor vehicles servicing the park facility. If the facility is not held in fee simple by the City of Cambridge or other public entity, the Public Open Space may be land remaining in private ownership but protected for public use by means of a permanent easement, conservation restriction, or other similar legal device acceptable to the City.

PART II – PUD AT KENDALL SQUARE

A. Amend the Zoning Map of the City of Cambridge

Delete the existing zoning designation Office 3A (0-3A) on the Zoning Map and substitute therefor the following three districts:

(1) The designation **BA/PUD-KS** (Business A/PUD at Kendall Square) for that area bounded by the centerline of Broadway, the centerline of Third Street, the centerline of Binney Street and a line parallel to and 100 feet distant from the northwesterly sideline of Third Street.

(2) The designation **C-2B/PUD-KS** (Residence C-2B/PUD at Kendall Square) for that area bounded by the area described in Paragraph (1) above, the centerline of Potter Street and its northwesterly extension, the centerline of the former Sixth Street (the MXD district boundary line), and the centerline of Binney Street.

(3) The designation **O-2/PUD-KS** (Office 2/PUD at Kendall Square) for that area bounded by the areas described in Paragraphs (1) and (2) above, the centerline of the former Sixth Street (the MXD district boundary line), and the centerline of Broadway.

B. Amend Article 13.000 of the Zoning Ordinance by creating a new Section 13.10 - PUD at Kendall Square to read as follows.

13.10 PUD AT KENDALL SQUARE: DEVELOPMENT CONTROLS

13.11 *Purpose.* The PUD-KS district is intended to provide for the creation of a mixed-use district of high quality general and technical office and retail activity, with a significant component of residential use. The creation of a large public park is desired. The PUD-KS district permits larger scale development and supporting commercial activities close to Kendall Square and the major public transit services located there. It encourages strong linkages between new development at Kendall Square, the East Cambridge riverfront, and the PUD-KS area and the neighborhoods of eastern Cambridge, facilitated in part by a strong retail presence along Third Street. Development in the PUD-KS district should be generally consistent with the policy **objectives** set forth in the *Eastern Cambridge Plan* and the **guidance provided in the** *Eastern Cambridge Design Guidelines*.

13.12 *Uses Allowed in a PUD-KS District.* The uses listed in this Section 13.12, alone or in combination with each other, shall be allowed upon permission of the Planning Board.

The amount and extent of uses may be further regulated and limited as set forth elsewhere in this Section 13.10.

13.12.1 *Residential Uses*

- (1) Townhouse Development. Any special permits for parking arrangements for townhouse development required by Section 11.10 shall be granted by the Planning Board in a Planned Unit Development in a PUD-KS district.
- (2) Multifamily dwellings.

13.12.11 *Transient Residential Uses*

For the purposes of this Section 13.10, the following Transient Residential Uses shall be considered non-residential uses

- (1) Hotels or motels

13.12.2 *Transportation, Communication, Utility and Institutional Uses.* All uses listed in sections 4.32 and 4.33 and which are allowed or conditionally allowed in the base zoning district. Telephone exchange use set forth in 4.32 g (1) shall be permitted provided that any facility having a floor area greater than four hundred (400) square feet shall only be permitted in a building in existence as of June 1, 2001 that, if vacant, has not been occupied by a residential use in the five years immediately preceding the time of application for a Certificate Of Occupancy for the proposed use, or if occupied, the current use is any office and laboratory use, Section 4.34; any retail business and consumer service establishment, Section 4.35; any light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38.

13.12.3 *Office and Laboratory Uses.* All uses listed in Section 4.34.

13.12.4 *Retail Business and Consumer Service Establishments.* The following retail uses shall be permitted, provided that the total amount of retail GFA in the District does not exceed 70,000 square feet and no individual establishment exceeds ten thousand (10,000) square feet of Gross Floor Area unless the Planning Board determines in writing that more retail GFA and establishments of a greater size better serve the residents within the PUD district and in adjacent districts and better advance the policies set forth in the *Eastern Cambridge Plan* and the *Eastern Cambridge Design Guidelines*.

- (1) Stationery and office supply store.
- (2) Printing and reproduction service establishment, photography studio.

- (3) Other store for retail sale of merchandise located in a structure primarily containing non-retail use provided no manufacturing, assembly or packaging occur on the premises.
- (4) Barber shop, beauty shop, laundry and dry-cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.
- (5) Restaurants or other eating and drinking establishments listed in Subsection 4.35 e, f, and g.
- (6) Theater or hall for public gatherings.

13.12.5 *Other Uses.* Any use not listed in subsections 13.12.1 through 13.12.4, otherwise allowed in a Business B District may be allowed by the Planning Board only upon written determination by the Board that such use is consistent with the objectives of the PUD-KS district and the policies and guidelines set forth in the ECaPS Plan.

13.13 *District Dimensional Regulations.*

13.13.1 *Permitted FAR.* In the PUD-KS District the maximum ratio of floor area to Development Parcel shall be 3.0, subject to the further use limitations set forth below in Section 13.13.11.

13.13.11 *Limitations on Non-Residential Development.* In the PUD-KS District all non-residential uses shall be further limited as set forth below. Where the amount of non-residential Gross Floor Area (GFA) is limited to a percentage of the total GFA authorized, the calculation shall be based on GFA authorized exclusive of any GFA that may be constructed as a result of the application of the FAR bonuses permitted in Section 11.200 **or any GFA devoted exclusively to structured parking.**

(1) For any lot or combination of lots held in common ownership as of June 1, 2001 having in total an area of less than five acres, the total GFA devoted to non-residential uses shall not exceed ten (10) percent of the total GFA authorized **in a PUD for that portion of a PUD Development Parcel containing** such lot or lots, or any portion thereof. **This limitation shall apply to each Development Parcel individually. This limitation shall not apply to any individual lot created subsequent to the Planning Board approval of the PUD Final Development Plan.**

Notwithstanding the above limitations, additional non-residential GFA shall be permitted as set forth in Paragraph (3) below.

(2) For any lot or combination of lots held in common ownership as of June 1, 2001 having in total an area of more than five (5) acres, the total GFA devoted to non-residential uses shall not exceed sixty (60) percent of total GFA authorized, inclusive

of any GFA otherwise exempt from the provisions of the Cambridge Zoning Ordinance **in a PUD for that portion of a PUD Development Parcel containing** such lot or lots, or any portion thereof. This limitation shall not apply to any individual lot created subsequent to the Planning Board approval of the PUD **Final Development Plan.**

Notwithstanding the above limitations, additional non-residential GFA shall be permitted as set forth in Paragraph (3) below.

At least ninety-five (95) percent of the authorized non-residential GFA must be located on the portion of **said lot or lots** having an Office 2 base district designation.

However, where circumstances related to the transfer of property from the federal government to other governmental or private entities (for the purpose of private development on a portion or all of the land in the control of the federal government) the Planning Board may in its discretion approve a Final Development Plan providing GFA in excess of sixty (60) of the authorized GFA in the PUD provided it is conclusively demonstrated to the Planning Board that all residential GFA required to be developed on such lot or lots in their entirety, by this Paragraph, has already been constructed.

(3) For the entire PUD-KS district, the first 50,000 square feet of retail and customer service uses authorized in total in all approved PUDs shall not be counted toward the non-residential GFA limitations of Paragraphs (1) and (2) above provided the GFA is located on the ground floor of a multistory building, fronts on and has a public entrance onto Third Street, Broadway, or a public park, and for each individual establishment the GFA does not exceed 10,000 square feet.

13.13.2 *Minimum Development Parcel Size.* The minimum size of a Development Parcel within the PUD-KS shall be the greater of (1) 40,000 square feet or (2) seventy-five percent of the area of a lot or combination of lots (a) in existence as of June 1, 2001 and (b) held in common ownership where it is proposed to incorporate any portion of such lot or lots within the Development Parcel. A Development Parcel within the PUD-KS may contain noncontiguous lots elsewhere in the PUD-KS district or within a contiguous PUD district. There shall be no specified minimum lot size for lots located within a Development Parcel.

However, where circumstances related to the transfer of property from the federal government to other governmental or private entities (for the purpose of private development on a portion or all of the land in the control of the federal government) limit the feasibility

of creating a Development Parcel meeting the size requirements of this Section 13.13.2, the Planning Board may in its discretion approve a PUD application having a smaller Development Parcel size.

13.13.3 *Residential Density.* For the purpose of computing residential density, the minimum lot size for each dwelling unit shall be three hundred (300) square feet. Residential density shall be computed based on the entire development parcel.

13.13.4 *Maximum Building Height.*

13.13.41 The maximum height permitted in the district shall be sixty-five (65) feet except as it may be further limited or permitted below. The permitted heights are further illustrated on the Building Height Regulation Map for the PUD-KS, Map 13.11.

(1) ***Additional Building Height to Eighty-Five Feet.*** The maximum height shall be eighty-five (85) feet in that areas described below:

(a) An area bounded by the centerlines of Fifth Street, Monroe Street, Third Street and Potter Street.

(b) An area bounded by the centerline of Potter Street and its northwesterly extension; then the centerline of the former Sixth Street (the MXD district boundary line); then a line northeasterly of, parallel to and two hundred (200) feet distant from the northeasterly sideline of Broadway; then a line northwesterly of, parallel to, and three hundred (300) feet distant from the northwesterly sideline of Third Street, to the point of beginning.

(2) ***Additional Building Height to One Hundred and Twenty Feet.*** The maximum height shall be one hundred and twenty (120) feet in that area bounded by areas described in Paragraph (1) above; then the centerline of Third Street; then a line northeasterly of, parallel to, and one hundred (100) distant from the northeasterly sideline of Broadway; then the centerline of the former Sixth Street (the MXD district boundary line) to the point of beginning.

(3) ***Additional Building Height to One Hundred and Eighty Feet with Portions to Two Hundred and Fifty Feet.*** The maximum height shall be one hundred and eighty (180) feet in that area bounded by the area described in Paragraph (2) above; then the centerline of Third Street; then the centerline of Broadway; and then the centerline of the former Sixth Street (the MXD district boundary line) to the point of beginning. However, portions of buildings may rise above one hundred and eighty (180) feet to no more than two hundred and fifty (250) feet provided the area of all floorplates of portions of buildings above 180 feet do not exceed ten percent of the total area of the Development Parcel.

(4) *Portions of Buildings limited to Forty-five Feet.* Notwithstanding the provisions of Paragraphs (1) – (3) above, any portion of a building that is within fifty (50) feet of an existing or proposed Public Open Space or single intervening street abutting that open space may exceed 45 feet only if for each floor above 45 feet, that floor is set back an additional 10 feet from the façade of the floor below, until the maximum height is attained, or until a 20 foot setback from the façade at 45 feet is attained. Alternately, a set back of 20 feet from the façade of the building at a height of 45 feet shall be permitted, and the remaining portions of the building allowed to achieve the maximum height permitted in Paragraphs (1) – (3) above or any variation between the two provisions.

13.13.42 The Planning Board shall not approve any Final Development Plan in the PUD-KS District not in conformance with the regulations of Section 13.13.4 above. In the portion of the PUD-KS that allows buildings to 200 feet or more, the Planning Board may approve a building up to 250 feet if other buildings or portions of buildings in that portion of the Development Parcel are no higher than one hundred and fifty (150) feet.

13.13.43 In evaluating a development proposal providing building height in excess of one hundred and twenty (120) feet, the Planning Board shall give consideration to evidence presented on the following:

- (a) that increased height will not cast shadows or alter air currents in ways that will unreasonably limit the amount of light and air reaching other buildings in the vicinity to a significantly greater extent than if the building height did not exceed one hundred and twenty (120) feet;
- (b) that increased height would mitigate detrimental environmental impacts such as excessive ground coverage, diminution of open space, and monotonous development;
- (c) that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristic of the particular location through more harmonious relationships to the terrain and to the proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building;
- (d) that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area; and
- (e) that the orientation and location of the proposed structure would not otherwise diminish the health and safety of the area around the development parcel.
- (f) The additional height permits accommodation of GFA transferred from the Eastern Cambridge Development Rights Transfer Donating District.

13.13.5 Other Dimensional Requirements. There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. There shall be no minimum required front, rear and side yard requirements for a development parcel or for lots located within a development parcel. The Planning Board shall approve all such lot sizes and building setbacks.

13.14 **Open Space.** The following Open Space requirements shall be met on each Development Parcel.

(1) For that portion of a Development Parcel consisting of lots described in Section 13.13.11, Paragraph (1) above, any combination of Public Open Space, Green Area Open Space or Permeable Open Space, as defined in this Ordinance, shall be provided on the Development Parcel and shall in the aggregate equal at least twenty (20) percent of the area of that portion of the Development Parcel.

(2) For that portion of a Development Parcel consisting of lots described in Section 13.13.11, Paragraph (2) above, any combination of Public Open Space, Green Area Open Space or Permeable Open Space, as defined in this Ordinance, shall be provided on the Development Parcel and shall in the aggregate equal at least Forty-two (42) percent of the area of that portion of the Development Parcel, subject to the further limitations set forth in Section 13.14.1 below.

Owners of adjacent Development Parcels may collectively provide the required open space by easement, deed restriction, covenant, or comparable legal instrument enforceable by the City of Cambridge or other public entity. In that event each Development Parcel shall, for purposes of this Section 13.10 be deemed to include that portion of such open space as the owners shall allocate to it in chosen legal instrument.

All required open space shall be generally accessible to the public for reasonable periods throughout the day for the purposes for which the open space is designed and approved by the Planning Board, which may include but not be limited to walking, bicycling, active and passive recreation. The Planning Board must approve any proposal to significantly limit public access to the required open space.

13.14.1 Required Public Open Space. For that open space required in Section 13.14, Paragraph (2) above, the required open space shall consist in part of a contiguous 7.5 acre Public Open Space to be located in the northwest quadrant of the PUD-KS district as further described and located in the *Eastern Cambridge Plan*. The Public Open Space shall be under the control of the City of Cambridge through fee simple conveyance, easement, or other legal mechanism acceptable to the City. In the event that the City of Cambridge does not accept the facility, the PUD permittee shall maintain the park for the use of the general public as originally designed and approved by the Planning Board in the Special Permit. The Public Open Space shall be designed

and constructed by the permittee according to the conditions of the PUD special Permit and when conveyed to the City shall be environmentally and otherwise suitable for the recreational uses for which it is designed.

However, where circumstances related to the transfer of property from the federal government to other governmental or private entities (for the purpose of private development on a portion or all of the land in the control of the federal government) limit the feasibility of creation of a 7.5 acre park, the Planning Board may at its discretion approve a Final Development Plan providing a contiguous Public Open Space of less than 7.5 acres. In approving such a Final Development Plan the Planning Board shall find that a smaller facility continues to meet the objectives of the *Eastern Cambridge Plan* and the *Eastern Cambridge Design Guidelines*,

13.14.2 The Planning Board shall encourage development that is located adjacent to a Public Open Space to be physically and functionally integrated with the open space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, and similar techniques.

13.15 *Perimeter and transition.* Any part of the perimeter of a PUD-KS which fronts on an existing street or public open space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening. Developments in the PUD-KS district should provide integrated pedestrian circulation systems, with particularly strong linkages among the riverfront, Kendall Square, and the Eastern Cambridge neighborhoods.

13.17 Parking and Loading Requirements. Development the PUD-KS District shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, **and in the Schedule of Parking and Loading Requirements applicable to the Residence C-3, Office 3, Business B and Industry B districts**, except as modified by this Section 13.17.

13.17.1 Off street parking facilities shall be provided as follows:

(1) Residence: 1 space per unit minimum, 1.5 spaces per unit maximum.

(2) Public Assembly: Number of seats requiring one space: 15.

(3) Institutional: 1 space per 1,800 square feet.

(4) Retail (except as noted in Section 13.17.2 below) and Office:

Ground floor: 1,125 square feet

Other level: 1,800 square feet

13.17.2 *Ground Floor Retail and Customer Service Uses.* Retail and customer service uses fronting on and having a public entrance onto a public street or a public open space, located at the first floor level of a multistory building, and not exceeding 10,000 square feet for each separately leased establishment shall not be required to provide any accessory parking. Where parking is provided it shall be subject to Section 13.17.1 above.

13.18 *Traffic Mitigation Measures.* In reviewing a development proposal under the provisions of this Section 13.70 and Section 19.20, the Planning Board shall determine that the proponent has demonstrated, at the time of Final Development Plan approval, a commitment to a Transportation Demand Management Program consistent with the reduce parking mandated in this PUD. The measures to be taken in this program must address:

- (1) The amount of parking provided,
- (2) The scale of development and the mix of uses proposed, and
- (3) The assumptions employed with regard to the proportion of automobile use for those traveling to the site.

For examples of such Measures, the Planning Board shall refer to the *Eastern Cambridge Plan*, Article 18.000, and the requirements of Section 19.20 in establishing Transportation Demand Management measures applicable to any approved PUD.

13.19 *Relationship to MBTA Urban Ring Transportation Planning Project.* In all PUD application documents, the applicant shall indicate how the proposed PUD development relates physically to the most current plans developed by the MBTA for implementation of the Urban Ring transportation project.

PART III - EASTERN CAMBRIDGE HOUSING OVERLAY DISTRICT (ECHO)

A. Zoning Map Change to Base Districts

Amend the Zoning Map of the City of Cambridge as follows:

1. Delete the existing zoning designation IB-1 (Industry B-1) and substitute therefor the designation **IA-1 (Industry A-1)** for that entire Industry B-1 district generally bounded by the centerline of Binney Street, the centerline of the railroad right of way, the centerline of Bent Street and its northwesterly extension, and the centerline of Third Street.
2. Delete the existing zoning designation IB (Industry B) and substitute therefor the designation **IA-1 (Industry A-1)** for that entire Industry B district generally bounded by the centerline of Binney Street, the centerline of the railroad right of way, the Residence C-1 zoning district line and the centerline of Cardinal Medeiros Avenue.

B. Amend the Zoning Map of the City of Cambridge to Establish the ECHO on the Zoning Map.

Amend the Zoning Map of the City of Cambridge by establishing the Eastern Cambridge Housing Overlay District for the two areas described below.

- 1. Establish a new overlay district designation ECHO (Eastern Cambridge Housing Overlay District) on the Zoning Map for an area bounded by a line starting at the intersection of the centerlines of Binney Street and Second Street;**

Thence northerly along the centerline of Second Street to its intersection with the centerline of Charles Street;

Thence westerly along the centerline of Charles Street to its intersection with the centerline of Fulkerson Street;

Thence northerly along the centerline of Fulkerson Street to its intersection with the easterly extension of the southerly sideline of Lot #105 on Assessor's Plat #33;

Thence westerly along the southerly side line of Lot #105 on Assessor's Plat #33 and its easterly and westerly extensions to its intersection with the centerline of the railroad right of way;

Thence in a southerly direction along the centerline of the railroad right of way to its intersection with the existing Industry B/Residence C-1 zoning district line;

Thence westerly along the Industry B/Residence C-1 zoning district line and its extension to its intersection with the centerline of Cardinal Medeiros Avenue;

Thence in a southerly direction along the centerline of Cardinal Medeiros Avenue to its intersection with the centerline of Binney Street;

Thence in an easterly direction along the centerline of Binney Street to its intersection with the centerline of Second Street, the point of origin.

2. Establish a new overlay district designation **ECHO (Eastern Cambridge Housing Overlay District)** on the Zoning Map for that portion of the Business A zoning district bounded on the north by the centerline of O'Brien Highway and on the south by a line north of and one hundred feet distant from the northerly sideline of Cambridge Street.

C. Create a new Section 20.40 - Eastern Cambridge Housing Overlay District (ECHO)

Amend the Text of the Zoning Ordinance by creating a new Section 20.40 to read as follows:

Section 20.40 - Eastern Cambridge Housing Overlay District

Section 20.41 - Purpose. It is the intent of this Section 20.40 to provide an incentive for residential development within the designated ECHO district as an extension of the existing residential neighborhood and to permit housing to be developed in combination with other uses permitted on a lot where a mix of uses is desirable. It is the intent of this Section 20.40 to provide an incentive through additional development potential to convert a lot devoted to non-residential uses to residential use.

Section 20.42 - Applicability. The ECHO District shall be an overlay district on the zoning map established in Section 3.20. Buildings and land uses shall be controlled by the pertinent regulations within the applicable base zoning districts and any other regulations that may apply in the City of Cambridge Zoning Ordinance, including Section 5.30.12, except as modified by the provisions of this Section 20.40. Except as modified by the provisions of this Section 20.40, the base district regulations shall apply. Where reference is made in this Section 20.40 to residential uses, it shall mean residential uses as set forth in Section **4.31 a-h**.

Section 20.43 - Residential Development Density. The maximum permitted FAR for all residential uses shall be twice the non-residential FAR permitted in the underlying base zoning district, except that for those areas whose underlying base zoning district is Residence C-1 the FAR shall be 0.75. For all areas **within the ECHO District**, the permitted number of dwelling units on a lot shall **be that permitted in the base zoning district. However, where the** proposed development has a **residential FAR of at least 2.0 the permitted number of dwelling units may be increased but shall** not exceed one dwelling unit for every 300 square feet of total lot

area.

Section 20.44 - Maximum Height of Buildings. The following limitations as to height of buildings shall only apply to new buildings or additions to existing buildings. The permitted heights are set forth on the Eastern Cambridge Housing Overlay District Height Limitation Map, Map 20.41. The permitted heights are further described below. Where the maximum height permitted in this Section 20.44 is thirty-five feet, it shall apply to all uses permitted in the applicable base-zoning district. Where the height permitted is forty-five feet or greater, it shall apply only to permitted residential uses. For any location not appearing on Map 20.41 or described below, the permitted heights shall be those permitted in the base zoning district.

20.44.1 Maximum Height in that area between the centerline of Fulkerson Street and the centerline of Second Street.

1. 35 feet: from the centerline of Charles Street to a line one hundred (100) feet distant from and parallel to the southerly sideline of Charles Street, which is approximately the mid block between Charles and Bent Street.
2. 45 feet: from the mid block between Charles and Bent Streets described in (1) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Bent Street, which is approximately the mid block between Bent Street and Rogers Street.
3. 55 feet: from the mid block between Bent Street and Rogers Street described in (2) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Rogers Street, which is approximately the mid block between Rogers Street and Binney Street.
4. 65 feet: from the mid block of Rogers Street and Binney Street described in (3) above to centerline of Binney Street.

20.44.2 – Maximum Height in that area between the centerline of Fulkerson Street and the centerline of the of the railroad right-of-way.

1. 35 feet: extension of the area described in Section 20.43.1, Paragraph (1) above westerly from the centerline of Fulkerson Street to the centerline of the railroad right of way.

2. 65 feet: from the centerline of Binney Street and the centerline of the railroad right-of-way to a line 100 feet distant from the northerly sideline of Binney Street and 100 feet from the northwesterly sideline of Fulkerson Street to the areas intersection with the area described in Paragraph (1) above.

3. 45 feet: extension of the area described in 20.43.1, paragraph (2), above to its intersection with the northeasterly sideline of the area described in Paragraph (2) of this Section 20.43.2

4. 55 feet: extension of the area described in 20.43.1, paragraph (3), above to its intersection with the northeasterly sideline of the area described in Paragraph (2) of this Section 20.43.2

20.44.3 – Maximum Height in that area between the centerline of the railroad right-of way and the centerline of Cardinal Medeiros Way.

1. 85 feet except as described in Paragraph (2) below.
2. 35 feet in that area bounded by the centerline of Binney Street, then the centerline of Medeiros Avenue; then the Residence C-1 zoning district line; then the centerline of the railroad right of way; then a line one hundred (100) feet distant from, parallel to, and southerly or easterly of the Residence C-2 zoning district line and the easterly sideline of Medeiros Avenue, to the point of origin.

20.44.4 – Maximum Height in all areas having a base Residence C-1 zoning district.

1. 35 feet.

20.44.5 – Maximum Height at all other Locations. At all other locations the maximum height permitted shall be the maximum height permitted in the base zoning district for residential uses

Section 20.45 - *Eastern Cambridge Design Guidelines*. In reviewing any special permit that may be required for development in the ECHO District, the permit granting authority shall **find that the development is generally consistent with the policy objectives** set forth in the *Eastern Cambridge Plan* and the **guidance provided in the *Eastern Cambridge Design Guidelines***. Any development permitted as-of-right is encouraged to be consistent with the *Guidelines*.

Section 20.46 - *Transfer of Development Rights*. Development capacity may be transferred from the areas designated within the ECHO District consistent with the regulations set forth in Section 20.30 of this Ordinance.

Section 20.47 – *Non-Conforming Uses*. **Notwithstanding any provision of Article 8.000, in the Eastern Cambridge Housing Overlay District, any structure containing a non-conforming use may be altered or enlarged without limit as to percent of enlargement in order to accommodate expansion of that non-conforming use provided the structure or portion of the structure to be altered or enlarged is located within a non-residential base district and further provided that the structure will not be in further violation of the dimensional requirements of this Section 20.40 or any applicable base district.**

PART IV - PUD 4, 4A AND 4B DISTRICTS

A. Amend the zoning Map of the City of Cambridge by rezoning the following base districts and applying the appropriate Planned Unit Development Overlay district as set forth below:

1. Delete the existing zoning designation C-1 (Residence C-1) and substitute therefor the designation **C-2B/PUD-4A (Residence C-2B/Planned Unit Development 4A)** for that area bounded by the centerline of O'Brien Highway, the centerline of Cambridge Street and the westerly side lot line of Lot #104 on Assessor's Plat #20 and its northerly and southerly extensions.

2. Delete the existing zoning designation IA-2 (Industry A-2) and substitute therefor the designation C-2A/PUD-4A (Residence C-2A/Planned Unit Development 4A) for the entire existing Industry A-2 zone bounded by the centerline of Otis Street, the centerline of First Street, the centerline of Cambridge Street, and the Business A, Residence C-1/Industry A-2 zoning district line.

3. Delete the existing zoning designation IA-2 (Industry A-2) and substitute therefor the designation BA/PUD-4 (Business A/Planned Unit Development 4) for the entire existing Industry A-2 district bounded by the centerline of Otis Street, the centerline of First Street, the centerline of Thorndike Street, the centerline of Second Street, and the Residence C-1/Industry A-2 zoning district line.

4. Delete the existing zoning designation IA-2 (Industry A-2) and substitute therefor the designation BA/PUD-4B (Business A/Planned Unit Development 4B) for the entire Industry A-2 district bounded by the centerline of Thorndike, the centerline of Second Street, the centerline of Spring Street and the Business A/Industry A-2 zoning district line.

5. Delete the existing zoning designation IB-1 (Industry B-1) and substitute therefor the designation IA-1/PUD-4B (Industry A-1/Planned Unit Development 4B) for that area bounded by the centerline of Binney Street, the centerline of Second Street, the centerline of Linsky Way, and the westerly side lot line of Lot #25 on Assessor's Plat #15 and its northerly and southerly extensions.

B. Amend the zoning Map by establishing a new a PUD-4A District and a new PUD-4B District in the areas described below (areas in addition to those created in section A above):

1. Delete the existing designation BA (Business A) and substitute therefor the zoning designation BA/PUD-4A (Business A/Planned Unit Development 4A) for that portion of the Business A zone bounded by the centerlines of Cambridge Street and Second Street and the existing Residence C-1/Business A and the existing Industry A-2/Business A zoning district lines.

2. Delete the existing designations BA/PUD-4 (Business A/Planned Unit Development 4) and IA-1 (Industry A-1) and substitute therefor BA/PUD-4B (Business A/Planned Unit Development 4B) and IA-1/PUD-4B (Industry A-1/Planned Unit Development 4B) for that area bounded by the centerlines of Thorndike Street, Second Street, Linsky Way, and First Street.

C. Create new PUD-4A and PUD-4B districts and alter the provisions of the PUD-4 district by amending Section 13.50 of the Ordinance as follows.

13.50 PUD-4, PUD-4A and PUD-4B DISTRICTS: DEVELOPMENT CONTROLS

Unless otherwise indicated in this Section 13.50, the following provisions apply equally to all PUD-4 Districts.

13.51 Purpose. The PUD-4 districts are intended to provide the opportunity for creation of a highly active, medium density commercial and residential area with a mix of retail, office and residential uses. Development in the PUD-4 districts shall be generally consistent with the policy **objectives** set forth in the *Eastern Cambridge Plan* and the **guidance provided in the** *Eastern Cambridge Design Guidelines* and with the *East Cambridge Riverfront Plan*. The PUD-4A and 4B districts **specifically** are intended to encourage a mix of uses with a substantial component of housing, with the housing, where possible, located within the development parcel adjacent to the existing residential neighborhood. In the PUD-4A District reuse of existing historic industrial structures for mixed residential, retail and office uses is encouraged. It is the intent of these Districts to encourage an active urban setting around the Lechmere Canal and along public and private streets both during and after customary business hours. Ground floor building spaces oriented toward the Canal and public streets should primarily contain retail or consumer service office uses to the extent possible. Extensive ground level building frontage along the Canal developed to institutional or office uses is not encouraged.

13.52 Uses Allowed in PUD-4 Districts. The uses listed in this Section 13.52, alone or in combination shall be allowed. However, the amount and extent of uses may be further regulated and limited in each PUD district as set forth elsewhere in this Section 13.50.

13.52.1 Residential Uses. All uses listed in Section 4.31 a-h, and i2.

13.52.2 Transportation, Communications and Utility Uses and Institutional Uses. All uses listed in Sections 4.32 and 4.33, which are allowed or conditionally allowed in the applicable base zoning districts.

13.52.3 Office and Laboratory Uses. All uses listed in Section 4.34.

13.52.4 Retail Business and Consumer Service Establishments. All uses listed in Section 4.35.

13.52.5 *Open air or Drive in Retail and Service Uses.*

- (1) sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors; commercial greenhouse or warehouse;
- (2) open air place of entertainment;
- (3) automobile service station where no major repairs are made provided that all lubrication and repairs are carried out within the building and further provided the service station will be located within or attached to a parking garage or other structure as accessory use.

13.52.6 *Other Uses.* Any use not listed in Subsections 13.52.1 - 13.52.5 shall be allowed only upon written determination by the Planning Board that such use is **(1)** compatible with the Lechmere Canal and Square district in the *East Cambridge Riverfront Plan* and the policy **objectives** set forth in the *Eastern Cambridge Plan* and the **guidance provided in the *Eastern Cambridge Design Guidelines*** and **(2)** necessary to support the predominant uses in the PUD-4 districts.

13.53 *District Dimensional Regulations.*

13.53.1 *Maximum Floor Area Ratio.* The maximum ratio of floor area to the total area of the development parcel shall be as set forth below. For purposes of this Section 13.53.1, residential use shall mean those uses set forth in Section 4.31 a-h.

(1) *PUD-4 District:* 2.0 for all uses, **or the Gross Floor Area of the buildings contained within the Development Parcel at the time of application for a PUD special permit, whichever is greater.**

(2) *PUD-4A District:* 2.5 for all uses, **or the Gross Floor Area of the buildings contained within the Development Parcel at the time of application for a PUD special permit, whichever is greater.** In no case, **however,** may non-residential uses, **including hotels and motels,** exceed fifty (50) percent of the total GFA authorized by a PUD special permit.

(3) *PUD-4B:* **For all uses** an FAR twice that permitted for non-residential uses in the applicable base zoning district (i.e. 2.0 in the Business A District; 2.5 in the Industry A-1 district). In no case, however, may the GFA of the non-residential uses, **including hotels and motels,** authorized by a PUD special permit exceed that resulting from the application of the non-residential FAR permitted in the applicable base zoning district to the PUD parcel area (i.e. 1.0 in a Business A district and 1.25 in an Industry A-1 district).

13.53.2 *Minimum Development Parcel.* The minimum size of the Development Parcel for a PUD shall be twenty-five thousand (25,000) square feet. A Development Parcel within the PUD-4 districts may contain non-contiguous lots elsewhere in any one of the PUD-4 districts or within a contiguous PUD district. There shall be no specified

minimum lot size for lots located within a Development Parcel. The Planning Board shall approve all lot sizes located within a development parcel.

13.53.3 *Dwelling Unit Density.* For the purpose of computing residential dwelling unit density, the minimum land area for each dwelling unit shall be four hundred and fifty (450) square feet. Residential density shall be computed based on the entire development parcel.

13.53.4 *Other Dimensions.* There shall be no minimum width for the development parcel and no minimum width for lots within the development parcel. There shall be no minimum required front, rear and side yard requirements for a development parcel or for lots located within a development parcel. The Planning Board shall approve all such building setbacks.

13.54 *Maximum Height.* The maximum height for any building shall be as set forth below:

(1) PUD-4 district: Eighty-five (85) feet.

(2) PUD-4A district: Sixty-five (65) feet except as provided for below:

(a) Alterations and additions within the footprint of any building or group of abutting buildings existing on the site at the time of the application for a PUD special permit may exceed sixty-five feet but may be no higher than the highest portion of the existing buildings within the Development Parcel.

(b) Building height shall be thirty-five (35) feet in that area bounded by the centerline of Cambridge Street; then by a line easterly of, parallel to and one hundred (100) feet distant from the westerly boundary line of the PUD-4A; then the centerline of O'Brien Highway; then the westerly boundary line of the PUD-4A, to the point of origin.

(3) PUD-4B district: Sixty-five (65) feet except as further limited or permitted below:

(a) In the block bounded by First, Rogers, Second and Athenaeum Streets the building height shall be eighty-five (85) feet. **However, the Planning Board may permit portions of the development within the block up to one hundred and twenty (120) feet if the applicant demonstrates to the satisfaction of the Planning Board that development containing buildings at that height continues to meet the policy objectives of the *Eastern Cambridge Plan* and the provisions of the *Eastern Cambridge Design Guidelines* as demonstrated by one or more of the following:**

(i) Greater amounts of open space accessible to the general public is created at ground level.

(ii) The heights are distributed on the site in a manner that reduces the visual impact of height above eighty-five feet, particularly as viewed from the residential neighborhood, and is compatible with the existing pattern of building heights on nearby parcels.

(iii) Provision is made for a significant quantity of housing suitable for households of middle income (generally with incomes at or below 120% of the medium income for the Boston Standard Metropolitan Statistical Area) in addition to those affordable housing units that may be required by the provisions of Section 11.200.

(iv) The accessory parking provided on the site is located below ground.

(b) Between Thorndike Street and Bent Street building height shall be forty-five (45) feet within 200 feet of the easterly sideline of Second Street.

In approving heights in a PUD development the Planning Board shall be guided by the intent of this Section 13.50 to provide transitions in height between the higher density development along First and Binney Streets and lower density development and lower height along Second Street adjacent to the residential neighborhood.

13.55 *Open Space.* The minimum ratio of open space to the total area of the development parcel shall be twenty (20) percent except as modified below. The open space may be any combination of Useable, Permeable, Green Area or Publicly Beneficial Open Space as defined in Article 2.000 and further regulated in Section 5.22 of the Ordinance.

13.55.1 The Planning Board may reduce the open space requirement if the development is located adjacent to a Public Open Space and if the development is physically and functionally integrated with that open space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors. The open space requirement may also be reduced to the extent that the Planning Board finds that such reduction facilitates preservation and reuse of existing historic structures, facilitates the conversion of such structures to residential use, or otherwise advances the urban design objectives as they apply to a PUD's specific location.

13.55.2 Open space may include parks, plazas, landscaped areas open to the sky, playgrounds, balconies, roofs developed for recreational or leisure usage, and pedestrian ways, such as bridges, decks, arcades, loggias, and gallerias as permitted by the Planning Board.

13.55.3 Open space at the ground level held in private ownership to serve the needs of residents and employees of buildings within the PUD should be located and designed to complement and to be connected with existing and planned public open space in the district. In approving a final development plan, the Planning Board may specify certain landscaping and other site design details to assure the PUD will be compatible with public improvement in the districts and with the development policies outlined in the East Cambridge Riverfront Plan and the *Eastern Cambridge Plan*.

13.56 *Perimeter and Transition.* Any part of the perimeter of a planned unit development which fronts on an existing street or public open space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping and screening.

13.57 *Parking and Loading Requirements.* Development in the PUD-4 districts shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, **and in the Schedule of Parking and Loading Requirements applicable to the Residence C-3, Office 3, Business B and Industry B districts,** except as modified by Section 13.57.1 - **3** below.

13.57.1 Off street parking facilities shall be provided as follows:

(1) Residence: 1 space per unit minimum, 1.5 spaces per unit maximum.

(2) Public Assembly: Number of seats requiring one space: 15.

(3) Institutional: 1 space per 1,800 square feet.

(4) Retail (except as noted in Section 13.17.2 below) and Office:

Ground floor: 1,125 square feet

Other level: 1,800 square feet

13.57.2 *Ground Floor Retail and Customer Service Uses.* Retail and customer service uses fronting on and having a public entrance onto First Street, located at the first floor level of a multistory building, and not exceeding 10,000 square feet for each separately leased establishment shall not be required to provide any accessory parking. Where parking is provided it shall be subject to Section 13.57.1 above.

13.57.3 The parking requirements specified in this Section 13.57 may be satisfied in total or in part by a lease agreement between the developer and the City, other public entity, or private consortium for use of parking spaces in the public or pooled private parking

facility located within the District. The total number of parking spaces leased and constructed for the planned unit development shall be at least equivalent to the requirements specified in Article 6.000.

13.58 *Relationship to MBTA Urban Ring Transportation Planning Project.* In all PUD application documents, the applicant shall indicate how the proposed PUD development relates physically to the most current plans developed by the MBTA for implementation of the Urban Ring transportation project.

PART V - EASTERN CAMBRIDGE DEVELOPMENT RIGHTS TRANSFER DISTRICTS

A. In Article 20.000 – Overlay Districts, create a new Section 20.30 to read as follows.

20.30 - Eastern Cambridge Development Rights Transfer Districts (TDD and TRD)

20.31 – Purpose. It is the intent of this Section 20.30 to (1) reduce the density of development close to the existing residential neighborhoods and (2) encourage housing construction compatible with the existing residential neighborhoods through the transfer of existing or potential development to other locations. It is also intended to facilitate the construction of additional residential, office, research and development, retail, and manufacturing uses in areas of eastern Cambridge that are close to transit services, and on sites now fully developed that can more effectively serve the city’s Urban Design Objectives, as set forth in Section 19.30 of the Ordinance, with additional building construction. For the purposes of this Section 20.30, residential use shall be as defined **as uses set forth** in Section **4.31 a-h**

20.32 - Establishment and Scope. There is hereby established the Eastern Cambridge Development Rights Transfer Districts which shall be governed by the regulations and procedures specified in this Section 20.30. These regulations shall apply to areas described below *or* as they may be otherwise identified on the Zoning Map, which shall be designated as “Eastern Cambridge Development Rights Transfer Donating District “ (TDD) or “Eastern Cambridge Development Rights Transfer Receiving District” (TRD) on the Zoning Map of the City of Cambridge established in Section 3.20.

20.32.1 - Boundaries of the Districts.

The boundaries of the districts shall be as described below.

a. The *Eastern Cambridge Development Rights Transfer Donating District* shall be conterminous with the boundaries of the Eastern Cambridge Housing Overlay District (Section 20.40 below) and the portion of the PUD-4B District located north of Binney Street. The Donating District shall be that area from which Gross Floor Area (GFA) is moved or removed for use on a lot in the Receiving District. A Donating Lot shall be a lot in the Donating District from which GFA is removed.

b. The *Eastern Cambridge Development Rights Transfer Receiving District* shall be (1) that area bounded by the centerlines of Binney Street to the north, First Street to the east, Main Street to the south, and on the west a line parallel to, easterly of, and one hundred and fifty feet distant from the easterly sideline of Portland Street and Cardinal Medeiros Avenue, and (2) that portion of the Industry B zone located south of Main Street and bounded by the centerlines of Albany Street; Massachusetts Avenue; Windsor Street; a line southerly of, parallel to, and one hundred and fifty feet distant from the southerly sideline of Main Street; a line easterly of, parallel to and

one hundred and fifty feet distant from the southwesterly extension of the centerline of Portland Street north of Main Street; and then Main Street to the point of beginning . The Receiving District shall be that area where GFA from a Donating Lot is used for development. A Receiving Lot shall be a lot in the Receiving District to which GFA is moved.

20.33 - Procedure. The transfer of GFA from the Donating District to the Receiving District shall be permitted by special permit from the Planning Board and shall be subject to further provisions set forth below in Section 20.36. The transfer shall be permitted between non-contiguous lots that may be held in separate ownership, notwithstanding any definition of lot set forth in Article 2.000 of this Ordinance.

20.34 – Limitations, Requirements, and Conditions Applicable to Lots in the Sending District

20.34.1 – Non Residential Gross Floor Area Available for Transfer from a Lot in the Donating District to Any Lot in the Receiving District. The total GFA that may be transferred from any Donating Lot to any Receiving Lot shall be the greater of the following:

- (1) The total amount of non-residential GFA permitted on a lot in any non-residential zoning district in the Donating District at the time of application to permit the transfer, or**
- (2) The existing amount of non-residential GFA contained on a lot in any zoning district in the Donating District at the time of application to permit the transfer.**

20.34.2 – Residual Gross Floor Area Available for Residential Development on a Donating Lot after the Non-residential GFA Transfer has been Authorized. The total Gross Floor Area available for residential development on any Donating Lot shall be the greater of the following:

- (1) The total amount of residential GFA permitted on the Donating Lot after the non-residential GFA has been transferred, including existing residential GFA and residential GFA allowed through the application of the provisions of Section 5.28.2 – Conversion of Non-Residential Structures to Residential Use, where it is proposed to reuse a non-residential structure for residential use, or.**
- (2) The GFA resulting from an FAR of 0.75 in Residence C-1 base district or 1.25 in any non-residential base district.**

20.34.21 – Residual Residential Gross Floor Area on a Donating Lot Available for Transfer to a Lot in the Receiving District. The residential GFA permitted on a lot in any residential or non-residential zoning district as determined by Section 20.34.2 above may be transferred to any receiving lot provided the future residential development potential on the Donating Lot is not reduced below an FAR of 0.75.

20.34.3 – Restrictions on the Donating Lot after Transfer is Authorized.

(1) All non-residential GFA existing or permitted under the zoning district regulations applicable on the Donating Lot, whichever is greater, must be transferred, held for future transfer, or abandoned. No non-residential development potential shall remain on the Donating Lot and no use variance may be granted to reestablish non-residential uses after the transfer of GFA has occurred. Any active non-residential use shall be discontinued.

(2) Development on the Donating Lot is limited to residential use or a public park. Where residential development is proposed to be established, the future residential development shall not have an FAR of less than 0.75. All existing gross floor area not redeveloped to residential use shall be demolished where housing is to be established on the site. The entire site shall be cleared if it is to be developed as a public park.

(3) No building or structure determined to be a Preferably Preserved Significant Building by the Cambridge Historical Commission, as provided in Ordinance No. 965 of the Ordinances of the City of Cambridge, may be demolished. Any such building required to remain shall be converted to a permitted residential use.

(4) Notwithstanding the provisions of Paragraphs (1) – (3) above, or other provisions of this Section 20.30, the remaining residential GFA on a Donating Lot may contain any office or retail use permitted in the applicable base district up to ten (10) percent of the permitted residential GFA.

20.35.1 – Dimensional and Use Limitations on the Receiving Lot. The GFA transferred from any Donating Lot to a Receiving Lot shall be subject to the following provisions:

(1) The transferred GFA shall not be subject to any FAR or GFA limitations applicable to the receiving lot, including lots which already exceed permitted FAR limits.

(2) Transferred Non-residential GFA may be used for any use permitted on the Receiving Lot. However, where any non-residential use is limited to a maximum percentage of total development on the Receiving Lot or Development Parcel, the transferred GFA shall be subject to that limitation unless the transferred GFA is in addition to, and not a substitute for, the GFA and use limitations otherwise applicable on the Receiving Lot or Development Parcel.

(3) Residential GFA transferred, as permitted in Section 20.34.21 above, shall only be used for residential uses on the receiving lot.

(4) All other dimensional limitations applicable to the receiving lot shall apply to the transferred GFA.

20.36 – Special Permit Procedures.

20.36.1 – Required Information.

In applying for a special permit to permit the transfer of GFA from one or more Donating Lots to one or more Receiving Lots, the following information shall be provided:

- (1) The location of all Donating Lots and all Receiving Lots.
- (2) Enumeration of the GFA to be transferred, GFA to be retained on the Donating Lot, and the total GFA to be accommodated on the Receiving Lot; the calculations by which the proposed GFA on all sites has been determined.
- (3) Schematic development plans showing the proposed development on both the donating and the receiving lots.
- (4) A narrative describing the plan's compliance with all requirements of this Section 20.30 and consistency with the *Eastern Cambridge Design Guidelines*.
- (5) The schedule by which necessary demolition will take place and authorized construction will commence and be completed. Where it is proposed to occupy transferred GFA before the Donating Lot has been brought into compliance with the requirements of Section 20.34.3 above, the legal instruments proposed by which the requirements of Section 20.34.3 will be met.
- (6) The status of leaseholds for tenants in any non-residential GFA on the Donating Lots in structures that are required to be demolished or converted to residential uses, and the mechanisms by which those non-residential uses will be terminated and the site brought into compliance with the requirements of this Section 20.30.

20.36.2 – Special Permit Conditions.

The Planning Board shall establish in its Decision granting a special permit under the provisions of this Section 20.30 conditions that address at a minimum, the following:

- (1) The sequence by which construction and demolition are to occur on both the Donating and Receiving Lots;
- (2) The binding commitments to be executed if occupancy of new GFA on the Receiving Lot is to occur before demolition of GFA transferred out from the Donating lot or before new residential or park construction is to occur on the Donating Lot.
- (3) The legal instruments by which a proposed park is to be made available to the general public as a public park.
- (4) The process by which final development plans are to be approved by the Planning Board.

In granting a special permit the Planning Board shall determine that the authorized development is generally consistent with the development policies set forth in the *Eastern Cambridge Plan* and the *Eastern Cambridge Design Guidelines* dated June 2001.

20.36.3 – Reservation of Gross Floor Area by Owners of Donating Lots.

To provide flexibility over time in the utilization of GFA available to be transferred, the Planning Board may issue a special permit to permit the reservation of GFA from a Donating Lot to be applied at a later date to a Receiving Lot through a second special permit process. The reservation may be for any length of time acceptable to the Planning Board. The Board, in granting the special permit, shall approve the development plan for the Donating Lot.

20.37 – Application for a Building Permit on a Donating Lot.

No building permit application will be accepted by the Superintendent of Buildings for any construction on any lot in the Donating District without a certification provided by the applicant from the Community Development Department that the GFA to be constructed on the lot as set forth in the application is accurate and in conformance with any special permit issued under the provisions of this Section 20.30.

B. Amend the Zoning Map of the City of Cambridge by establishing the Eastern Cambridge Development Rights Transfer Districts (TDD and TRD) as overlay districts for those areas described in Section 20.32.1 above.

PART VI – ADDITIONAL ZONING CHANGES

Area A. Industry A, Business C, and Residence C-1 zones at Broadway.

Amend the Zoning Map of the City of Cambridge by deleting the existing zoning designation IA (Industry A), BC (Business C), and C-1 (Residence C-1) on the Zoning Map at this location and substitute therefor the designation BA (Business A) for that area bounded by the centerlines of Market, Clark, Dickinson, and Moore Streets and Broadway.

Area B. Industry B zone at Clark Street.

Amend the Zoning Map of the City of Cambridge by deleting the existing zoning designation IB (Industry B) on the Zoning Map and substitute therefor the designation O-1 (Office 1) for that portion of the existing Industry B district bounded by the centerlines of Market, Clark and Hampshire Streets and a line 150 feet distant from and parallel to the southeasterly sideline of Clark Street.

Area C. Residence C-1 zone between Hampshire and Dickinson Streets and Industry A-1, Industry B-1 and Residence C-1 zones between Hampshire Street and Broadway

Area C1. Residence C-1 zone between Harvard and Dickinson Streets.

Amend the Zoning Map of the City of Cambridge by deleting the existing zoning designation C-1 (Residence C-1) on the Zoning Map and substitute therefor the designation OS (Open Space) for that area bounded by the centerlines of Clark, Dickinson, Moore, and Harvard Streets, but excluding the area encompassed by Lots #92 and 93 and their side lot line projections on Assessor's Plat #42 to the centerline of Dickinson Street and Broadway, which shall remain Residence C-1.

Area C2. Industry A-1, Industry B-1 and Residence C-1 zones between Harvard Street and Broadway.

Amend the Zoning Map of the City of Cambridge by deleting the existing zoning designation IA-1 (Industry A-1), IB-1 (Industry B-1), and C-1 (Residence C-1) on the Zoning Map and substitute therefor the designation **OS (Open Space)** for that area bounded by a line beginning at the intersection of the centerline of Broadway and the northeasterly extension of the northwesterly sideline of Lot #94 on Assessor's Plat #76. Thence moving along the centerlines of Broadway, Dickinson, Clark and Harvard Streets to the line's intersection with the southwesterly extension of the northwesterly sideline of Lot #60 on Assessor's Plat #76. Thence moving along the southwesterly and northwesterly side lot lines of Lots #60, 122, 90, and **94** on Assessor's Plat #76 to the point of origin.

Area D. MXD District.

D1. Additional Residential Gross Floor Area

In Article 14.000, amend Section 14.32.1 to read as follows.

14.32 *District Development Limitations.* There shall be limitations on the overall amount of development within the District as specified below.

14.32.1 The aggregate gross floor area (GFA) of development in the District shall not exceed 2,773,000 square feet plus 200,000 square feet that shall be limited to residential uses as permitted in Section 14.21.4 (1). The 200,000 square feet of GFA restricted to housing use, however, may only be used in that portion of the MXD district located between Main Street and Broadway. Aggregate GFA of development in the District is at any time the sum of the GFA (as defined in Article 2.000 of this Ordinance) of all buildings (i) which are then located in the District, (ii) which are being constructed or may be constructed in the District pursuant to then effective building permits, and (iii) which, pursuant to then outstanding contracts (including options) with Cambridge Redevelopment Authority and so stated in certificates from the Authority to the Superintendent of Buildings, may be constructed in the District in the future. Notwithstanding the definition in Article 2.000 for Gross Floor Area and the provisions of Section 5.25, parking garages and accessory parking facilities shall be exempt from the requirements as to Floor Area Ratio and shall not be included in the calculation for Gross Floor Area on a lot.

D2. Applicability of Project Review Procedure.

In Article 14.000, create a new Section 4.32.4 to read as follows:

14.32.4 *Applicability of Section 19.20 for Residential Uses.* Notwithstanding the provisions of Section 19.22 (1), a structure, any portion of which contains residential uses as set forth in Section 14.21.4 (1) above, shall be subject to the provisions of Section 19.20 – Project Review Special Permit.

Area E. Business A zone between Cambridge Street and Gore Street. (Per Citywide Recommendation)

Amend the Zoning Map of the City of Cambridge by deleting the existing zoning designation BA (Business A) on the Zoning Map and substitute therefor the designation C-2B (Residence C-2B) for the portion of the Business A district bounded by the centerlines of Lambert, Gore and Seventh Streets and a line parallel to and 100 feet north of the northerly sideline of Cambridge Street.

Area F. Business A-2 zone at Gore Street.

Amend the Zoning Map of the City of Cambridge by deleting the existing zoning designation BA-2 (Business A-2) on the Zoning Map and substitute therefor the designation C-2B (Residence C-2B) for the entire Business A-2 district bounded by the centerline of Gore Street, the Cambridge/Somerville municipal boundary line, and the Open Space zoning district line.

Area G. Changes to O-3A (PUD-3). (Per Citywide Recommendation)

1. Changes to the Dimensional Requirements of Office Districts

Amend the text of the Zoning Ordinance in Section 5.32 by Amending Table 5-2, Table of Dimensional Requirements – Office Districts in the line headed “Office 3A” by deleting the existing FAR and Height provisions in Column 1 and Column 6 and substituting therefor the following:

5.32 Office Districts

1. The following dimensional requirements, set forth in Table 5-2 and modified elsewhere in this Ordinance, shall be applicable to development in Office districts:

Table 5-2. Table of Dimensional Requirements - Office Districts

District	(1)	(2)	(3)	(4)	(5)			(6)	(7)
	Max. Ratio of Floor Area to Lot Area	Minimum Lot Size in Sq. Ft.	Min. Lot Area for Each D.U. in Sq. Ft.	Minimum Lot Width in Feet	Minimum Yard in Feet			Maximum Height in Feet	Min. Ratio of Usable Op. Sp. to Lot Area
					Front	Side	Rear		
Office 3A	<u>2.0</u> /3.0	5,000	300	50	$\frac{H+L^{(b)}}{5}$	$\frac{H+L}{6}$	$\frac{H+L^{(c)}}{5}$	<u>90</u> /120	10%

2. Amend a portion of PUD 3 so that it reads as follows.

13.43 District Dimensional Regulations.

- 13.43.1 The maximum ratio of floor area to the total area of the development parcel shall be **3.0 for Residential Uses, Section 4.31 a-h, and Dormitory Uses, Section 4.33 b (7), and 2.0 for all other permitted uses.**

A portion or portions of the existing or former Broad Canal without reference to ownership may be counted in calculating the area of the development parcel. Each portion so counted shall be included in computing the development parcel area for one planned unit development.

Area H. Changes to the Dimensional Requirements of Business Districts. (Per Citywide Recommendations)

1. Amend the text of the Zoning Ordinance in Section 5.33 by Amending Table 5-3, Table of Dimensional Requirements – Business District in the line headed “Bus. B” by deleting the Footnote (t) in Column 1 and Column 6.

5.33 Business Districts

1. The following dimensional requirements, set forth in Table 5-3 and modified elsewhere in this Ordinance, shall be applicable to development in business districts:

Table 5-3 Table of Dimensional Requirements - Business Districts

District	(1)	(2)	(3)	(4)	(5)			(6)	(7)
	Max. Ratio of Floor Area to Lot Area	Minimum Lot Size in Sq. Ft.	Min. Lot Area for Each D.U. in Sq. Ft.	Minimum Lot Width in Feet	Front	Side	Rear	Maximum Height in Feet	Min. Ratio of Usable Op. Sp. to Lot Area
Bus. B	2.75/3.0 (t)	none	300	none	none	none	none	80 (t)	none

2. Amend the text of the Zoning Ordinance in Section 5.33, Paragraph (2) – Footnotes by deleting in its entirety Footnote (t).

2. Footnotes

~~(t) Except that for that area bounded by the centerline of Main Street on the south, the centerline of Windsor Street on the west, the line along the Cambridge/Somerville/Boston municipal boundary lines to its intersection with Bridge Street/O'Brien Highway on the north, and the line along the centerline of First Street to Cambridge Street to O'Brien Highway to its intersection with the Boston municipal boundary line on the east, the FAR in any Business B zone shall be 3.0 for residential uses and 4.0 for all other uses and the height shall be 120 feet.~~

Area I, J, K, L, M. Changes to the Dimensional Requirements of Industrial Districts (Per Citywide Recommendations)

1. Amend the text of the Zoning Ordinance in Section 5.34 by Amending Table 5-4, Table of Dimensional Requirements – Industrial Districts in the line headed “Ind. A-1” by deleting “1200” in Column (3) and substituting therefor “700”, and by deleting the reference to footnote “a”.
2. Amend the text of the Zoning Ordinance in Section 5.34 by Amending Table 5-4, Table of Dimensional Requirements – Industrial Districts in the lines headed “Ind. A-1”, “Ind. A”, and “Ind. B” by deleting the Footnote (t) in Column 1 and Column 6, and

3. Amend the text of the Zoning Ordinance in Section 5.34 by Amending Table 5-4, Table of Dimensional Requirements – Industrial Districts in the lines headed “Ind. A-2” and “Ind. B-1” by deleting the existing FAR and Height provisions in Column 1 and Column 6 and substituting therefor the following:

5.34 Industrial Districts

- The following dimensional requirements, set forth in Table 5-4 and modified elsewhere in this Ordinance, shall be applicable to development in office districts:

Table 5-4 Table of Dimensional Requirements - Industrial Districts

District	(1)	(2)	(3)	(4)	(5)			(6)	(7)
	Max. Ratio of Floor Area to Lot Area	Minimum Lot Size in Sq. Ft.	Min. Lot Area for Each D.U. in Sq. Ft.	Minimum Lot Width in Feet	Front	Side	Rear	Maximum Height in Feet	Min. Ratio of Usable Op. Sp. to Lot Area
Ind. A-1	1.25/1.50 (t)	5,000	700 1,200 (a)	50	0	0 ^(b)	0 ^(b)	45	none
Ind. A-2	2.75/4.0	5,000	none	50	0	0 ^(b)	0 ^(b)	70	none
Ind. A	1.25/1.50 (t)	none	none	none	none	none	none	45/85 (d,t)	none
Ind. B-1	1.5/3.0	5,000	none	50	0	0	0	60/70	none
Ind. B	2.75/4.0 (t)	none	none	none	none	none	none	120	none

4. Amend the text of the Zoning Ordinance in Section 5.34, Paragraph (2) – Footnotes by deleting in their entirety Footnotes (a) and (t).

2. Footnotes

~~(a) This requirement may be reduced to nine hundred (900) square feet per dwelling unit for conversion of nonresidential buildings in existence on April 1, 1978, to residential use.~~

~~(t) Except that for that area bounded by the centerline of Main Street on the south, the centerline of Windsor Street on the west, the line along the Cambridge/Somerville/Boston municipal boundary lines to its intersection with Bridge Street/O’Brien Highway on the north, and the line along the centerline of First Street to Cambridge Street to O’Brien Highway to its intersection with the Boston municipal boundary line on the east, the following FAR and Maximum Height provisions shall apply to the zoning district listed below:~~

~~Industry A: FAR of 2.0 for all uses and Maximum Height of 85 feet~~

~~Industry A-1: FAR of 1.25~~

~~Industry B: FAR of 4.0 for all uses and Maximum Height of 120 feet~~

Area J: Retail uses in the Industry B-1 district.

1. In Table 4.30 – Table of Use Regulations in the Column headed “Ind. B-1, B-2”, establish a new footnote “50” for all uses in Section 4.35 – Retail Business and Consumer Service Establishments.

2. Establish a new Footnote 50 in Section 4.40 – Footnotes to the Table of Use Regulations to read as follows.

50. Permitted in the Industry B-1 district as the use would be permitted as or right or by special permit in the Business B district subject to the following limitations:

- (a). The retail use is located on the ground floor or in the basement of a building containing other uses,
- (b) The retail use constitutes no more than 25% of the GFA of the building in which it is located, exclusive of GFA devoted to parking uses,
- (c) The retail use fronts on a public street and has a direct public access to that street, and
- (d) No separately leased establishment may exceed 10,000 square feet in GFA.

Area N. Amend a portion of Special District 1 so that it reads as follows. (Per Citywide Recommendations)

17.13 *Dimensional Regulations*

17.13.1 Maximum FAR

- (1) The maximum FAR for any lot in the district shall not exceed 3.0 as of right **for Residential Uses, Section 4.31 a-h, and 1.50 for all other permitted uses;**
- (2) The maximum FAR for any lot northeasterly of Monsignor O’Brien Highway may be increased by special permit from the Planning Board to 3.5 **for Residential Uses, Section 4.31 a-h,** provided the requirements and conditions of Section 17.17.4 d and e are met.

Area O. Industry A-2 zone at Harvard Street.

Amend the Zoning Map of the City of Cambridge by deleting the existing zoning designation IA-2 (Industry A-2) on the Zoning Map and substitute therefor the designation C-2B (Residence C-2B) for that area bounded by the centerlines of Moore, Harvard, and Davis Streets and a line northerly of, parallel to, and 100 feet distant from the northerly sideline of Harvard Street.

Area P (the entire ECaPS area). Amend the second paragraph of Section 19.30 – Citywide Urban Design Objectives (introduction) as follows to make reference to the Eastern Cambridge Design Guidelines and delete a reference to North Point guidelines that have been superceded.

19.30 Citywide Urban Design Objectives

The following urban design objectives are intended to provide guidance to property owners and the general public as to the city's policies with regard to the form and character desirable for new development in the city. It is understood that application of these principles can vary with the context of specific building proposals in ways that, nevertheless, fully respect the policies' intent. It is intended that proponents of projects, and city staff, the Planning Board and the general public, where public review or approval is required, should be open to creative variations from the detailed provisions presented in this Section as long as the core values expressed are being served. A project need not meet all the objectives of this Section 19.30 where this Section serves as the basis for issuance of a special permit. Rather the permit granting authority shall find that, on balance, the objectives of the city are being served. Nor shall a project subject to special permit review be required to conform to the Required Building and Site Plan Requirements set forth in Section 11.50.

Further indicators of conformance with these policy objectives shall be found in planning documents and plans developed for specific areas of the city or the city as a whole, to the extent that they are not inconsistent with the objectives set forth in this Section 19.30. These documents include the *Harvard Square Development Guidelines*, the *Central Square Action Plan*, the *Central Square Development Guidelines*, the *North Massachusetts Avenue Urban Design Guidelines Handbook*, the *University Park at MIT Urban Design Guidelines*, ~~the *North Point Policy Plan and Design Guidelines*~~, the *Cambridge Institutional Growth Management Plan*, the *East Cambridge Riverfront Plan*, the *Eastern Cambridge Plan*, the *Eastern Cambridge Design Guidelines*, the *Alewife Revitalization*, *Alewife Urban Design Study Phase II* and its Draft update of 1991, and *Toward a Sustainable Future: Cambridge Growth Policy Document*.

Part VII - Eastern Cambridge Design Guidelines

A. GOALS

This section lists the goals that guided the development of these guidelines.

North Point

- Create a lively new mixed-use district with strong visual and pedestrian connections to East Cambridge. The new district should be a place to live, work, and enjoy a variety of parks and public spaces.
- Create a new east-west main street through the center of North Point, connecting East Cambridge with the future MDC Park
- Extend First Street into North Point to connect existing and new neighborhoods.
- Create a major new public park easily accessible from the relocated Lechmere T station, First Street, and O'Brien Highway.
- Create a new retail edge at the relocated Lechmere T station and at the intersection of First Street, Cambridge Street, and O'Brien Highway that will complement, not compete with, existing retail on Cambridge Street.

Volpe Center

- Create new housing south of Binney Street to link existing neighborhoods and Kendall Square.
- Create a major new public park facing Binney Street, surrounded by residential and retail uses.
- Strongly encourage retail on Third Street and Broadway to create active street life in Kendall Square and to create a lively connection between the neighborhoods and Kendall Square.
- Create a mix of housing and commercial uses along Broadway.
- Create a transition in land uses and heights from Broadway to the residential neighborhoods.

Transition Areas

- Encourage new residential development and conversions of existing buildings to residential use but allow existing commercial uses to remain.
- Use finely graduated heights to create transitions in scale from Kendall Square to residential neighborhoods.
- Create better pedestrian and bicycle connections between residential neighborhoods, Kendall Square, Central Square, and the Charles River.

Neighborhoods

- Preserve and enhance neighborhood character.
- Maintain the walkable scale and character of residential blocks.
- Support and strengthen businesses on Cambridge Street, Broadway, and Main Street.

B. BUILT FORM

1. Street-level Uses and Design

The following guidelines apply primarily to large-scale development sites. For these larger sites, developers should clearly identify the intended use and size for each block. For infill development, new buildings should contribute to the character of the existing street.

- a. **Residential blocks** are blocks that are primarily lined with housing. Corner retail is allowed and even encouraged in some of these blocks, depending on the zoning.

New development on residential blocks should be consistent with the following principles:

- i. Create a consistent residential edge, with small setbacks for stoops, porches, and front gardens.
- ii. Buildings should be designed with individual units and front doors facing the street, including row house units on the lower levels of multi-family buildings. Where residential lobbies face the street, doors should generally be spaced no more than 75 feet apart.
- iii. Blank walls should be avoided along all streets and pedestrian walkways.

- b. **Mixed-use blocks** are blocks that include housing and/or commercial uses, with a mix of active uses strongly encouraged on the ground floor.

New development on mixed-use blocks should be consistent with the following principles:

- i. Street-level facades should include active uses such as:
 - Residential entrances
 - Shops, restaurants, and cafes
 - Services for the public or for commercial offices such as fitness centers, cafeterias, daycare centers, etc.
 - Community spaces, such as exhibition or meeting space
 - Art exhibition space/display windows
 - Commercial lobbies and front doors
- ii. Office/ R&D uses are discouraged from occupying extensive ground-floor frontage. Where these uses do occur, they should occupy no more than 200 to 250 feet of continuous frontage along public streets.

- iii. Major entrances should be located on public streets, and at or near corners wherever possible. Entrances should relate well to crosswalks and pathways that lead to bus stops and transit stations.
 - iv. Transparent materials and interior lighting should be used to maximize visibility of street level uses. Ground floor facades should be at least 30 to 50 percent transparent surface to permit a clear view from the sidewalk to the interior space of the building.
 - v. Blank walls should be avoided along all streets and pedestrian walkways.
- c. **Retail blocks** are blocks that include both commercial and residential uses on upper floors, with retail strongly encouraged on the ground floor. Retail blocks are intended to have a high volume of pedestrian traffic, and to support public activity throughout the day and evening.

New development on retail blocks should be consistent with the following principles:

- i. At least 75 percent of the street frontage should be occupied by retail uses, including cafes and restaurants.
- ii. Major entrances should be located on public streets, and on corners wherever possible. Entrances should relate to crosswalks and pathways that lead to bus stops and transit stations.
- iii. Transparent materials and interior lighting should be used to maximize visibility of street level uses. Ground floor facades should be at least 50 to 75 percent transparent surface to permit a clear view from the sidewalk to the interior space of the building.
- iv. Blank walls should be avoided along all streets and pedestrian walkways.

2. Building Height and Orientation

a. Major public streets

These include a new main street at North Point; O'Brien Highway; Cambridge Street; Broadway; Binney Street; Third Street between Broadway and Binney; First Street (including the extension into North Point), and Main Street.

- i. Set back any portion of the building above 65 feet by at least 10 feet from the principal facade.
- ii. For retail and office uses, build to the lot line or provide small setbacks (5 to 15 feet) from the right-of-way for café seating, benches, or small open spaces. Setbacks used exclusively for ornamental landscaping are not permitted but may be allowed to accommodate street furniture, street trees, or generous sidewalks. Awnings and canopies are encouraged to provide shelter and enliven the ground floor facade.
- iii. For residential uses, provide small setbacks (5 to 10 feet) for stoops, porches, and front gardens.
- iv. Driveway turnaround and vehicle drop-off facilities are strongly discouraged along public streets.
- v. Locate loading docks on side streets or service alleys, and away from residential areas.
- vi. In use, design, and entry, orient buildings towards corners.

b. Neighborhood Streets

These include existing residential streets in East Cambridge, Wellington/ Harrington, Area IV, and the Transition Area, as well as new residential streets at North Point and the Volpe Center.

- i. Set back any portion of the building above 45 feet by at least 10 feet from the principal facade. Where appropriate, design these setbacks to include balconies and rooftop terraces.
- ii. For residential uses, provide small setbacks (5 to 15 feet) for stoops, porches, and front gardens.
- iii. Provide individual entrances to ground floor units along the street.
- iv. Locate courtyards and open spaces to maximize sun exposure.

c. Park Edges

These are streets facing a public park.

- i. The height of the principal façade of buildings surrounding a park should be no greater than 1/3 the width of the park. For additional height above this limit, buildings should be stepped back by at least ten feet from the principal facade. Greater height without setbacks may, however, be appropriate at corners or in specific locations to create architectural variety. The buildings must conform to overall district height limits in the zoning.
- ii. Locate buildings to minimize shadows on the park, especially in the afternoon.
- iii. Surround public parks with uses that create an active environment throughout the day and evening and increase safety for park users, such as:
 - Buildings should be designed with individual units and front doors facing the street, including row house units on the lower levels of multi-family buildings. Where residential lobbies face the street, doors should generally be spaced no more than 75 feet apart.
 - Shops, cafés and other public uses that enliven the street.

d. Other Streets

- i. If the prevailing height of surrounding buildings is 65 feet or less, establish a cornice line that matches the prevailing height of surrounding buildings. For additional height above the cornice line, provide a setback of at least 10 feet from the principal façade.
- ii. For retail and office uses, build to the lot line or provide small setbacks (5 to 15 feet) from the right-of-way for café seating, benches, or small open spaces. Setbacks used exclusively for ornamental landscaping are not permitted.
- iii. For residential uses, provide small setbacks (5 to 10 feet) for stoops, porches, and front gardens.
- iv. Locate loading docks on side streets or service alleys, and away from residential areas.

3. Scale and Massing

- a. For new development sites, the block size should be similar to the existing East Cambridge blocks. An attempt should be made to reduce the distance that pedestrians have to walk to a crosswalk in order to safely cross the street.**

- b. Buildings should avoid continuous massing longer than 100 feet facing residential streets and 200 feet facing mixed-use and retail streets. If massing extends beyond this length, it should be made permeable and visibly articulated as several smaller masses using different materials or colors, vertical breaks, bays, or other architectural elements.**
- c. In addition to the above limits, buildings should reflect a rhythm and variation appropriate to the urban context. For example, this can be achieved by expressing bay widths of 16 to 25 feet along residential streets and 25 to 50 feet along mixed-use and retail streets.**
- d. Buildings should have a clearly expressed base, middle, and top. This may be achieved through changes in material, fenestration, architectural detailing, or other elements.
- e. Use variations in height and architectural elements such as parapets, cornices and other details to create interesting and varied rooflines and to clearly express the tops of buildings.**
- f. Emphasize corners using taller elements such as towers, turrets, and bays**
- g. Taller buildings should be articulated to avoid a monolithic appearance. Preference is given to point towers over slabs, and to buildings with smaller floor plates.**

4. Architectural Character

- a. Residential
 - i. Create varied architecture and avoid flat facades by using bays, balconies, porches, stoops, and other projecting elements.
 - ii. Maximize the number of windows facing public streets to increase safety.
- b. Commercial
 - i. Create varied architecture and avoid flat facades by using recessed or projected entryways, bays, canopies, awnings, and other architectural elements.
 - ii. Vary the architecture of individual buildings to create architecturally diverse districts.
 - iii. Where buildings are set back at upper stories, lower roofs may be used as balconies, balustrades, and gardens.

5. Environmental Guidelines

- a. Design buildings to use natural resources and energy resources efficiently in construction, maintenance, and long-term operation of

the building. Buildings on a lot should be sited to allow construction on adjacent lots to do the same. Compliance with *Leadership in Energy and Environmental Design* (LEED) certification standards and other evolving environmental efficiency standards is encouraged.

- b. Rooftop mechanical equipment should be sited and shielded to protect neighboring uses from noise impacts.

6. Parking

- a. **While underground parking is preferable everywhere, if above ground parking is to be built it should be designed so as not to be visible from public streets or pathways. Above ground structured parking should be lined with active uses (shops, cafes, etc.) along major public streets, or with housing units along residential streets.**
- b. **Locate vehicular parking entrances on side streets and alleys and provide safe pedestrian access from public streets.**
- c. **All parking garages must provide direct pedestrian access to the street.**
- d. **The primary pedestrian exit/access to all garages serving non-residential uses should be to the street or a public area.**
- e. **Design and locate lighting fixtures in surface parking lots and garages to enhance safety while minimizing light spillover onto adjacent properties.**

C. PUBLIC REALM

1. Open Space

- a. **Public open space**
 - i. **The provision of open space of diverse sizes and use is encouraged to enhance the public environment in the study area.**
 - ii. **The provision of interconnected series of open spaces is encouraged to provide connections to neighborhoods and to encourage pedestrian movement.**
 - iii. **Where major new parks are required by zoning, provide programmed, multi-use open space for both recreational and cultural activities.**

Area-specific guidelines:

North Point

- **The major new park required by the zoning code should be located convenient to the Lechmere T station in order to**

link East Cambridge and future neighborhoods at North Point.

- In addition to the required public open space, the creation of a series of smaller open spaces such as courtyards, parks, playgrounds and gardens located along the central main street is encouraged.

Volpe Center

- Use open space to create links between Kendall Square and the residential neighborhoods.

Transition Areas and Neighborhoods

- Locate new open spaces to create linkages and connect to existing parks and open spaces, where possible.

c. Semi-private open space

- i. For residential development, create semi-private open spaces (e.g. front and rear yards, porches, stoops, and patios) that create a transition from public sidewalks and courts to private interior spaces.**

Design residential courtyards to be visually accessible from streets to enhance safety and activity along the street.

2. Streets and Sidewalks

a. Character

- i. Use streetscape elements such as trees, benches, signage, and lighting to support active pedestrian uses and to reinforce the character and identity of each district.**
- ii. Design streets to encourage pedestrian and cycle activity, and to control vehicle speed in residential areas.**

b. Where appropriate, establish, preserve and highlight views from public streets and spaces to important civic landmarks such as the Charles River cable-stay bridge and the clock tower in Kendall Square.

c. In the design of new streets, provide sufficient pavement width to accommodate on-street parking where appropriate in order to provide short-term parking and to serve local retail.

d. In the design of new streets, pathways, and parks, provide pedestrian-scale lighting to enhance pedestrian safety.

e. Refer to the Cambridge Pedestrian Plan and the Cambridge Bicycle Plan for additional guidance on creating a safe and pleasant environment for pedestrians and bicyclists and for guidance on sidewalk width and street trees.

3. Connections

- a. Provide safe pedestrian and bicycle connections to future regional pathways (Grand Junction railroad, North Point path).**
- b. Provide strong pedestrian, bicycle and visual connections to the Charles River and public parks through view corridors, signage, and/or art installations.**
 - f. Provide safe pedestrian and bicycle connections to existing and new bus stops and to transit stations including Kendall Square, Lechmere, Community College and North Station MBTA stations.**

Area-specific guidelines:

North Point

- Provide continuous pedestrian and bicycle access through the area to the MDC New Charles River Basin Park.
- Provide new pedestrian crossings along O'Brien Highway with strong visual connections from existing streets in East Cambridge to new streets at North Point. Ensure that new pedestrian crossings are coordinated with traffic operations on O'Brien Highway.
- Provide an attractive landscaped edge between the future Somerville regional bicycle path and the adjacent rail yards.
- Provide landscaped pedestrian/cycle connections from North Point to the future regional bicycle path

Volpe Center

- Provide green connections to Broadway and Third Street as extensions of the proposed public park.
- Provide strong pedestrian and bicycle connections to the Broad Canal and the Charles River from the site.

Transition Areas

- Provide safe pedestrian crossings at Binney Street.
- Design the new park on Fulkerson Street to maximize visual connections between neighborhoods on either side of the Grand Junction rail tracks.

Neighborhoods

- Improve pedestrian, and bicycle connections to the Charles River, particularly across First Street.
- Improve visual, pedestrian, and bicycle connections between the residential neighborhoods on either side of the Grand Junction rail tracks.

4. Transportation

a. Transit

- i. Preserve rights of way for future Urban Ring project.
- ii. Integrate retail and other public activities with any new transit stations.

b. Pedestrian

- i. Provide pedestrian crossings/phases at all major intersections.

c. Bicycle/other non-motorized vehicles

- i. Provide bicycle lanes on major streets.
- ii. Provide sheltered bicycle racks in all new commercial and multi-family residential buildings and in transit stations.
- iii. Provide bicycle racks along the street in retail areas.

MASSACHUSETTS

**City Council Calendar No. 21
Monday, October 1, 2001**

At 5:30 P.M.

CHARTER RIGHT

1. Charter Right was exercised by Councillor Toomey on Consent Agenda #3 of September 24, 2001 on Awaiting Report Item Number 01-229, regarding an update on the traffic issues raised by resident of the Pavilion located at 170 Gore Street.

ON THE TABLE

2. Consent Agenda #17, relative to a Preservation Easement for 2 Holyoke Place (Fly Club).
3. Landmark Designation Study Report for Shady Hill Square, 1-11 Shady Hill Square and 36 Holden Street.
4. An order introduced by Councillor Reeves regarding an allocation for a planning study for Riverside.
5. Consent Communication #7 of March 19, 2001, and Calendar Item #3 of April 2, 2001 regarding notification of a new address for 127 Sixth Street from Owen O’Riordan, City Engineer.
6. Committee Report #1 of April 23, 2001 regarding a meeting held on March 27, 2001 for the purpose of discussing whether a zoning prohibition of lodging houses in Residence C and C-1 zoning districts is consistent with the City’s goal of promoting affordable housing.
7. Landmark Designation Study Report for designating as a protected landmark the Tulip Tree at 1436 and 1446 Cambridge Street.

8. An order introduced by Councillor Decker regarding increasing the Affordable Housing Trust by at least one million dollars.
9. Committee Report #2 of September 10, 2001 regarding the progress made on improving the condition of the housing at Fresh Pond Apartments.
10. Committee Report #3 of September 24, 2001 regarding the roundtable-working meeting with representatives of tenants and owners of Fresh Pond Apartments and regulatory agencies to follow up on the prior hearing on the condition of the housing and related matters.

UNFINISHED BUSINESS

11. Proposed ordinance to the Municipal Code to establish a Community Preservation Act Committee as required by the Community Preservation Act (CPA). The question comes on passing to be ordained on or after August 13, 2001.
12. Proposed amendment to the Zoning Ordinance to amend the zoning in East Cambridge with the East Cambridge Planning Study (ECAPS) proposal. The question comes on passing to be ordained on or after August 13, 2001. The deadline for this petition is October 16, 2001.
13. Proposed amendment to the Zoning Ordinance to amend the zoning in East Cambridge with the Birk et al. Petition. The question comes on passing to be ordained on or after August 13, 2001. The deadline for this petition is October 16, 2001.

**APPLICATIONS AND PETITIONS -
CITY COUNCIL MEETING OF MONDAY, OCTOBER 1, 2001**

1. An application was received from US Petroleum/Cambridge Auto Clinic requesting permission for a sign at the premises numbered 297 Concord Avenue on the Concord Avenue side. Approval has been received from Inspection Services and Community Development.
(This is a pre-existing sign.)

1.

2. An application was received from US Petroleum/Cambridge Auto Clinic requesting permission for a sign at the premises numbered 297 Concord Avenue on the Walden Street side. Approval has been received from Inspection Services and Community Development.
(This is a pre-existing sign.)

2.

3. An application was received from Mojo Music requesting permission for a sandwich board sign at the premises numbered 904 Massachusetts Avenue.

3.

**CONSENT COMMUNICATIONS -
CITY COUNCIL MEETING OF MONDAY, OCTOBER 1, 2001**

- | | |
|---|----|
| 1. A communication was received from Raymond and Theresa Proulx, transmitting thanks for the dedication ceremony on their behalf. | 1. |
| 2. A communication was received from Leonard H. Wisse, regarding cable service. | 2. |
| 3. A communication was received from Mrs. Clayton M. Ward, Sr. and family, transmitting thanks for the dedication in memory of her husband Clayton. | 3. |
| 4. A communication was received from Owen O’Riordan, Assistant Commissioner to Engineering, transmitting notification of an address change for 311 River Street. | 4. |
| 5. A communication was received from Owen O’Riordan, Assistant Commissioner to Engineering, transmitting notification of an address change for 224 Albany Street. | 5. |
| 6. A communication was received from Owen O’Riordan, Assistant Commissioner to Engineering, transmitting notification of an address change for 48 Jackson Street. | 6. |
| 7. A communication was received from John M. Chin, a Cambridge resident and employee of Metropolitan Pipe & Supply Company, transmitting concern regarding the Eastern Cambridge Rezoning Petition. | 7. |
| 8. A communication was received from Donald Sawtell, a Cambridge resident and employee of Metropolitan Pipe & Supply Company, transmitting concern regarding the Eastern Cambridge Rezoning Petition. | 8. |

**CONSENT COMMUNICATIONS -
CITY COUNCIL MEETING OF MONDAY, OCTOBER 1, 2001**

- | | |
|---|-----|
| 9. A communication was received from Jane Mac Donald, a Cambridge resident and employee of Metropolitan Pipe & Supply Company, transmitting concern regarding the Eastern Cambridge Rezoning Petition. | 9. |
| 10. A communication was received from Anthony M. Andon, Jr., a Cambridge resident and employee of Metropolitan Pipe & Supply Company, transmitting concern regarding the Eastern Cambridge Rezoning Petition. | 10. |
| 11. A communication was received from Alfred Scaffiddi, a Cambridge resident and employee of Metropolitan Pipe & Supply Company, transmitting concern regarding the Eastern Cambridge Rezoning Petition. | 11. |
| 12. A communication was received from Guilford Transportation Industries, Inc., owners of 24 East Street, 22R Charlestown Avenue, 75R Industrial Park and 32R Charlestown Avenue, transmitting written protest to the Birk zoning petition. | 12. |
| 13. A communication was received from Lavery Lohnes Properties, owners of sundry properties, transmitting written protest to the Birk zoning petition. | 13. |
| 14. A communication was received from NSTAR Electric Gas, owners of sundry properties, transmitting written protest to the Birk zoning petition. | 14. |
| 15. A communication was received from Eckel, owners of 155 Fawcett Street, transmitting written protest to the Birk zoning petition. | 15. |
| 16. A communication was received from Gerald and David Fimiani, transmitting thanks for the resolution adopted by the City Council on behalf of their mother, Rosemary Fimiani. | 16. |

**CONSENT COMMUNICATIONS -
CITY COUNCIL MEETING OF MONDAY, OCTOBER 1, 2001**

17. A communication was received from Josephine Curtin, transmitting thanks for the resolution adopted by the City Council on behalf of her husband Francis H. Curtin.

17.

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, OCTOBER 1, 2001**

1. Resolution on the death of Reverend Antoine Charest. 1.
Councillors Toomey, Sullivan and entire membership
2. Resolution on the death of Iveta Diatchenko. 2.
Councillor Toomey and entire membership
3. Resolution on the death of Timothy J. Kelleher. 3.
Councillors Toomey, Sullivan, Mayor Galluccio and entire membership
4. Resolution on the death of Gertrude S. Pacheco. 4.
Councillor Toomey and entire membership
5. Resolution on the death of James F. O'Keefe. 5.
Mayor Galluccio, Councillor Sullivan and entire membership
6. Resolution on the death of Timothy V. O'Connor III. 6.
Councillor Sullivan and entire membership
7. Resolution on the death of Lionel E. Heywood. 7.
Mayor Galluccio, Councillors Reeves, Sullivan and entire membership
8. Resolution on the death of Enid E. Edey. 8.
Mayor Galluccio, Councillor Sullivan and entire membership
9. Resolution on the death of William R. Thomas. 9.
Councillor Sullivan and entire membership
10. Resolution on the death of Violeta Torres. 10.
Mayor Galluccio and entire membership
11. Proclaim October 7-13, 2001 as Fire Prevention Week. 11.
Mayor Galluccio and entire membership
12. Congratulations to Colonel John DiFava, Massachusetts State Police, 12.
on his appointment as Police Chief of the Massachusetts Institute of
Technology Police.
Councillor Toomey and entire membership

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, OCTOBER 1, 2001**

- | | |
|---|-----|
| 13. Resolution on the death of Will Raub.
Councillor Sullivan and entire membership | 13. |
| 14. Congratulations to the recipients of the Cambridge Peace
Commission's Seventh Annual Peace and Justice Awards which will
take place at the Episcopal Divinity School, Washburn Hall, 99
Brattle Street, Cambridge.
Mayor Galluccio and entire membership | 14. |

**POLICY ORDER AND RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, OCTOBER 1, 2001**

1. Urge all major institutions and corporations in Cambridge to give generously to funds for the victims and families of the September 11, 2001 terrorist attacks. 1.
Councillor Braude
2. Identify all non-unanimous votes of prior City Council meetings. 2.
Councillor Braude
3. Dedicate the corner of Fulkerson and Thorndike Streets as "Travers Square." 3.
Vice Mayor Maher
4. Address request for traffic-calming measures in the Holworthy Street area. 4.
Mayor Galluccio
5. Consider the feasibility of siting a new high school athletic facility as part of any future development at North Point. 5.
Councillor Toomey

O-1.

October 1, 2001

COUNCILLOR BRAUDE

WHEREAS: At the September 24, 2001 meeting of the Cambridge City Council, in Policy Resolution Number 26, the City Council urged Harvard University to donate \$5 million to the families of the victims of the September 11, 2001 terrorist attacks; now therefore be it

RESOLVED: That the City Council go on record urging other major institutions and corporations in Cambridge to also give generously to funds for the victims and their families.

O-2.

October 1, 2001

COUNCILLOR BRAUDE

ORDERED: That the minutes of prior meetings will identify who voted yes and who voted no on all non-unanimous votes.

O-3.

October 1, 2001

VICE MAYOR MAHER

RESOLVED: That the City Council dedicate the corner of Fulkerson and Thorndike Streets as "Travers Square;" and be it further

RESOLVED: That the Assistant to the City Council be directed to confer with the family regarding a suitable dedication ceremony and communicate with the Department of Public Works to arrange for the sign.

O-4.

October 1, 2001

MAYOR GALLUCCIO

ORDERED: The City Clerk be and hereby is requested to forward a copy of the attached petition to the City Manager and requesting the City Manager to work with appropriate City Departments to work with the residents of Holworthy Street to address the request for traffic calming made in the attached petition.

October 1, 2001

COUNCILLOR TOOMEY

WHEREAS: Due to problematic environmental conditions at Russell Field, construction of a state of the art high school athletic facility may be cost prohibitive, and

WHEREAS: It has been widely documented that there is a critical shortage of active recreational open space in the eastern part of the city; and

WHEREAS: The North Point section of East Cambridge is the last substantial tract of land left undeveloped in the city; and

WHEREAS: North Point is currently being studied by both the City and private firms for future development; and

WHEREAS: A basic tenet in urban planning is to develop around a common area that attracts people to a particular site; now therefore be it

RESOLVED: That the City Manager be and hereby is requested to direct the Assistant City Manager for Community Development to consider the feasibility of siting a new high school athletic facility as part of any future development at North Point.

**COMMITTEE REPORTS
FOR THE CITY COUNCIL MEETING OF MONDAY, OCTOBER 1, 2001**

1. A communication was received from Donna P. Lopez, Deputy City Clerk, transmitting a report from Councillor Henrietta Davis, Chair of the Transportation, Traffic and Parking Committee, for a meeting held on July 25, 2001 to discuss the draft recommendations on the Regional Truck Study.

2. A communication was received from Donna P. Lopez, Deputy City Clerk, transmitting a report from Councillor Henrietta Davis, Chair of the Health and Environment Committee, for a meeting held on September 25, 2001 to discuss the potential impact of the Community Preservation Act, specifically as it relates to open space, affordable housing and historical preservation.

3. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Kathleen L. Born and Vice Mayor David P. Maher, Co-Chairs of the Ordinance Committee, for a meeting held on September 25, 2001 for the purpose of hearing public testimony on Eastern Cambridge Planning Study (ECAPS) and Birk petitions to amend the zoning in the Eastern Cambridge area.

Committee Report #1

TRANSPORTATION, TRAFFIC AND PARKING

In City Council October 1, 2001

COMMITTEE MEMBERS

Councillor Henrietta Davis, Chair

Councillor Jim Braude

Councillor Timothy J. Toomey, Jr.

The Transportation, Traffic and Parking Committee held a public meeting on Wednesday, July 25, 2001 beginning at 7:10 p.m. at the Senior Center Ballroom, 806 Massachusetts Avenue, Cambridge, Massachusetts.

The purpose of the meeting was to discuss the draft recommendations on the Regional Truck Study.

Present at the meeting were Councillor Henrietta Davis, Chair of the Committee, Donald Drisdell, Deputy City Solicitor, Jason Schrieber, Transportation Planner, Traffic, Parking and Transportation Department, David Szeto, Truck Enforcement Unit, Police Department and Donna P. Lopez, Deputy City Clerk.

Councillor Davis opened the meeting and stated the purpose. She requested Mr. Schrieber to give an overview of the recommendations of the Regional Truck Study. Mr. Schrieber outlined the history of the issues surrounding trucks in Cambridge. **(ATTACHMENT A)**. He reviewed the events in Cambridge that led to the passage of the Through Truck Zoning Ordinance which the City Council adopted in 1999. He stated that the Committee on Regional Truck Issues ("Committee") was formed by the creation of a Memorandum of Understanding ("MOU") last year. This Committee agreed to perform a Regional Truck Study ("Truck Study"). Both the Committee and the Truck Study grew out of the response by the Massachusetts Highway Department (MHD) and the City of Somerville to the passage of the overnight zoning truck ban. Both the MHD and Somerville threatened to sue Cambridge challenging the validity of the overnight through-truck ban. The Attorney General's office, in an effort to avoid litigation between the MHD and Cambridge, proposed that the Truck Study be facilitated by the Metropolitan Area Planning Council (MAPC). The City Council and the City Manager agreed, through the MOU that Cambridge would not enforce the through truck zoning ordinance pending completion of the Truck Study and recommendations from the Committee.

The Committee completed the Truck Study and adopted Final Recommendations on June 27, 2001. Mr. Schrieber reviewed the findings and recommendations of the Truck Study. **(ATTACHMENT B)**. Four strategies were used to approach the truck issues. **(ATTACHMENT C)**. He outlined the Truck Study recommendations as contained in the Policy Regulatory Strategy. **(ATTACHMENT D)**. He also provided a summary of the Final Recommendations of the Regional Truck Study. **(ATTACHMENT E)**. The Final Recommendations focus on the creation of designated routes for trucks, particularly in the nighttime, and the ability to ban trucks in the nighttime from residential streets unless the truck has an origin or destination in the City or is carrying hazardous cargo. In exchange for Cambridge clarifying the available routes for nighttime through trucking (which would be limited to numbered state highways and the eastern truck route), the Massachusetts Highway Department ("MHD") would promptly approve an 11:00 p.m. to 6:00 a.m. ban on through trucks

on most of the streets in the City. The Final Recommendations also propose infrastructure improvements on truck routes throughout the region covered by the study. There are further proposals for a voluntary ban by truckers on the use of so-called “jake brakes”, which can cause excessive noise. Additional recommendations address enforcement issues and proposals to develop routing and restriction maps for truckers, education programs modeled on the Cambridge Truck Enforcement Unit, and a state grant program to help local truck enforcement efforts. Mr. Schrieber stated that the entire trucking industry will be notified of the institutional strategies to help get the word out to all the drivers.

In conclusion, Mr. Schrieber stated that the effectiveness of the recommendations will be improved by education and enforcement. He informed the committee of the steps to be followed by the truck enforcement unit. Officer Szeto informed the committee that the truck enforcement unit operates from 7:40 a.m. to 4 p. m. Councillor Davis requested an enforcement plan from the Police Department. Officer Szeto stated that approval has been secured for overtime for the officers. He further stated that there is a safety issue with the truck enforcement unit working during the nighttime while inspecting trucks. Mr. Drisdell stated that the Truck Enforcement Team is a highly trained team that inspects trucks. Every police officer has the authority to enforce the truck ban and traffic law related to trucks, he said. Councillor Davis stated that she could not support the recommendations of the Truck Study unless there is an enforcement plan on the nighttime truck ban.

Councillor Davis asked how many officers were on the Truck Enforcement Team. Officer Szeto responded that the team contains five officers.

At this time Councillor Davis opened the meeting to public comment.

Sam Seidel, representing Jarrett Barrios, asked about the time restriction. Mr. Schrieber stated that the License Commission enforces the Noise Ordinance. Mr. Drisdell informed Mr. Seidel that there are restrictions in the Noise Ordinance relating to noise caused by truck deliveries. In response to a question from Mr. Seidel about a 24-hour Putnam Avenue ban, Mr. Schrieber stated that the Massachusetts Highway Department (“MHD”) has to approve the truck restriction and the city has to provide the necessary data. Mr. Drisdell stated that if a community provides for designated nighttime routes, the MHD will approve nighttime truck bans on other streets.

Hermes Grillo, 20 Lilac Court, asked what the regulations are concerning the hours on loading at commercial property. Mr. Drisdell responded that loading and unloading is prohibited by the noise ordinance between the hours of 9:00 p.m. and 7:00 a.m. on weekdays, and between 9:00 p.m. and 9:00 a.m. on weekends and holidays, if the loading activity is plainly audible at a distance of fifty (50) feet from the lot line of the property where the loading is occurring.

James Gray, 84 Kirkland Street, asked if each of the six communities will have a legislative vote to approve the recommendations. Mr. Schrieber responded in the affirmative. Mr. Gray asked what is the timeline in the legislative bodies voting on the recommendations - does Cambridge have to wait for Belmont and Watertown to approve the recommendations? Mr. Drisdell stated that the zoning ordinance on banning trucks got the Attorney General involved in

this issue. There are advantages with Cambridge going forward with the recommendations even if other communities do not approve the recommendations, he said. Mr. Gray asked if Cambridge can go forward without the six communities. Mr. Schrieber responded in the affirmative. Every community, he said, is committed to the Memorandum of Understanding (MOU).

John Moot, 44 Coolidge Hill Road, asked what is the time frame. Mr. Drisdell stated that there is no specific time frame, but that the MOU had been extended to the end of September.

Mr. Gray asked if there it is an intent to get the hazardous material trucks (HAZMAT) off of Kirkland Street and onto the truck route all the time. Mr. Schrieber responded in the affirmative. Reaching out to educate truckers on the desired route, and clearer signage will improve compliance with the existing route. The truck industry seems to be on board as long as Cambridge provides the truck route.

Mr. Moot asked how the issue will be resolved with the MDC opening one quarter of a mile of the Alewife Brook Parkway. Mr. Drisdell stated that the MDC was unwilling thus far to agree with this. Mr. Moot asked if the MDC is required to improve the roadbed. Mr. Schrieber responded in the negative.

Stash Horowitz, 12 Florence Street, applauded all the participants in this process. He asked if warnings will be issued at the municipal level. Mr. Drisdell stated that in June 2001, the City Council voted to have the City Manager place a moratorium on the zoning ordinance. The zoning ordinance, he said, will not be enforced in exchange for the MHD approval of the truck bans. Mr. Schrieber stated that if a truck driver is cited more than two times, he will lose his commercial driver's license. It is a career threat, he said. Officer Szeto stated a warning is not counted as a citation. A monetary fine is a citation. The truck team will cite drivers as well as companies. Mr. Horowitz asked how many citations are issued per year. Officer Szeto responded 300 - 400. Councillor Davis made the following motion.

ORDERED: That the City Manager be and hereby is requested to instruct the Police Commissioner to provide the City Council with the number of citations issued on trucks.

Fred Meyer, 83 Hammond Street, asked why the HAZMAT trucks are not allowed to go through the Prudential Tunnel, but are allowed to go through the Harvard Tunnel. Mr. Schrieber stated that there is no building above the Harvard Tunnel and it is a short tunnel. Fire officials have serious concerns regarding their ability to fight a large fire in a tunnel, and automatic suppression systems have not been deemed adequate. Mr. Meyer asked if there is any possibility to ban trucks from Harvard Square. Mr. Schrieber responded in the negative. In a response to a question, Mr. Schrieber stated that Massachusetts Avenue, and portions of Mt. Auburn Street in Harvard Square, is a numbered state highway (Rt. 2A), and JFK Street provides a necessary connection to Allston. Some petroleum truck drivers are not aware that they can use River Street/Western Avenue at night, he said. Councillor Davis stated that there is no change in the number of trucks on River Street/Western Avenue, but HAZMATs have increased. Mr. Meyer asked for a review of the HAZMAT truck numbers.

Steven Wayne, 179 Western Avenue, asked if the amount of HAZMAT cargo traveling on Western Avenue can be changed. Mr. Schrieber stated that exclusion from the Prudential Tunnel dictates the number of HAZMAT trucks on Western Avenue. The number of trucks that move through Cambridge are in decline. This route is the quickest way to get through Cambridge. Nighttime volume is lower on Western Avenue than on River Street, he said. Mr. Wayne stated that the MBTA buses are speeding on Western Avenue. He asked if there is any enforcement in this area. Officer Szeto stated that during the day the Police enforce speeding issues. Mr. Moot asked if fines are inadequate. Officer Szeto stated that the fines are adequate.

Councillor Davis stated that clarity is needed on enforcement issues. An enforcement plan is needed. She again stated that she cannot support the recommendations if an enforcement plan is not submitted.

James Williamson, 17 Perry Street, stated that enforcement is a problem at Pearl and Granite Streets at 2:00 A.M. Officer Szeto stated that the truck enforcement team works until 4:30 p.m. and the Traffic Division works until midnight. Mr. Williamson stated that gaps in enforcement need to be addressed. He asked if there is a list of Hazardous Placard materials. Mr. Schrieber responded that the MHD has a list of hazardous materials. Mr. Williamson asked when at night there is a production of increased trucks travelling on Massachusetts Avenue. Mr. Schrieber stated that over the length of Massachusetts Avenue, between the hours of 11:00 - 6:00 there is an increase of 6% of trucks. Mr. Williamson stated that he was skeptical that there is no increase in trucks on Western Avenue and River Street, since trucks cannot go onto JFK Street.

Councillor Davis stated that River Street bears the burden of trucks. She stated that she would like to see a decrease in trucks on River Street and efforts to decrease the number of trucks here, possibly diverting empty trucks.

Councillor Davis made the following motion:

ORDERED: That there City Manager be and hereby is requested to provide the City Council with an enforcement plan for the recommendations of the Regional Truck Study.

Subsequently Councillor Davis submitted this motion at the July 30, 2001 City Council meeting where it was adopted. (Order #16)

The motion - Carried.

Councillor Davis received correspondence from various individuals on this subject that is attached to this report. (ATTACHMENT F).

Councillor Davis thanked all the attendees. The meeting adjourned at 8:40 P.M.

For the Committee
Councillor Henrietta Davis, Chair

Committee Report #2

HEALTH AND ENVIRONMENT

*Councillor Henrietta Davis, Chair
Councillor Kathleen L. Born
Councillor Jim Braude*

In City Council October 1, 2001

The Health and Environment Committee conducted a public meeting on Tuesday, September 25, 2001 at 7:15 p.m. in the Ackermann Room.

The purpose of the meeting was to discuss the potential impact of the Community Preservation Act, specifically as it relates to open space, affordable housing and historical preservation.

Present at the meeting were Councillor Henrietta Davis, Chair of the Committee; Councillor Jim Braude, Councillor Michael Sullivan, Robert W. Healy, City Manager, James Maloney, Assistant City Manager for Fiscal Affairs, Lisa Peterson, Public Works Commissioner, Darcy Jameson, Housing Director, Community Development Department, Sally Zimmerman, Historical Commission, and Donna P. Lopez, Deputy City Clerk.

Councillor Davis opened the meeting. She stated that the Community Preservation Act (CPA) is a new tool for communities to preserve open space, historical sites and affordable housing. The CPA is statewide enabling legislation that allows cities and towns to exercise control over local planning decisions and provides a new funding source for the following areas:

Acquisition and preservation of open space;
Creation and support of affordable housing; and
Acquisition and preservation of historic building and landscapes.

Councillor Davis further stated that there will be a presentation from Mr. Maloney on how the CPA works. City Manager Robert W. Healy will provide information on how the CPA would pertain to open space and other public realms. Councillor Davis asked Mr. Healy to describe how the CPA works.

Mr. Healy stated that the CPA allows for an increase in the tax levy of not more than 3%. The first \$100,000 of residential property tax would be exempt by a vote of the City Council. Low income housing would also be exempt. The three categories, open space, affordable housing and historical preservation, will receive a minimum 10% allocation. In October, 2002, a distribution of state money will be made which could be as high as \$5.1 million. The ordinance provides for a nine-person Community Preservation Commission which will decide the percentage allocation to each category. It is now up to the electorate to see if they want their money allocated in this manner, he said. The ordinance and ballot question is in place and the outcome of the ballot question will be known after the November election. . As of June, 2001, he said that there were 62 communities that have had this question on the ballot; 31 communities accepted it and 31 communities defeated it.

Councillor Davis asked Mr. Healy if there is any information on how money can be expended on open space and what are the open space needs of the city. Mr. Healy responded

that the Community Preservation Commission has a lot to say about expenditure of the money. The statute states that of the nine-member committee there shall be one member from the Planning Board, Housing Authority, Historical and Conservation Commissions and the Public Works Department. Open space has been established as a goal of the City Council. Eastern Cambridge has been identified as an area in the city where open space is needed. Fulkerson Street is being looked at as a possible site for open space. He stated that there is a Comprehensive Open Space Report that outlines the needs. Cambridge, he said, is the seventh most densely populated city in the United States; Somerville is the sixth. The need for open space has been identified by the City Council; however, acquisition is an expensive proposition.

Ms. Peterson stated that the Comprehensive Open Space Report identifies the need for additional athletic fields east of Prospect Street.

Councillor Davis asked if the CPA could be used for improvements to existing open space. Mr. Healy stated that the 10% in the open space category cannot be used for property in recreational use; it is for passive parks.

Councillor Davis stated that information on CPA is available from the Trust for Public Lands. Councillor Braude also gave two web sites where information is available, TPL.org and www.communitypreservation.org.

Councillor Davis stated that the city cannot expend funds to promote or defeat the referendum question.

Councillor Braude stated that all the city can do now is to provide education so that the citizens are informed to vote on this referendum. The city cannot advocate on this matter.

Councillor Davis requested a brief presentation on affordable housing and historic preservation.

Mr. Healy stated that the historic preservation piece is interesting. There is a proposal for an addition to City Hall, a historic building. The capital budget for this year contains \$65,000 for historic preservation. The city has been successful in historic preservation, he said. On the housing piece, he said that the city does not have sites on which it can build affordable housing. An acquisition of land is needed to build more affordable housing. This is a difficult financial exercise, he said.

The three categories are significant and the city continues to maximize housing efforts. The CPA is an opportunity to increase funding capacity for affordable housing.

Councillor Braude stated that in every poll done in this state, if the tax money is being spend on issues of importance to voters, there is overwhelming support.

Councillor Davis asked what is the tax consequence of passage of the referendum.

Mr. Maloney stated that the importance of the acceptance of the CPA is that acceptance would tie future City Councils to a commitment to affordable housing, historic preservation and open space for a minimum of five years to fund these programs. A shift in the funding mechanism would occur and it would provide a built-in escalator. These funds will be exempt from Proposition 2 ½. The first place the City Manager would cut funds if the city was above its levy limit is in one-time programs but these programs would be exempt for five years. Councillor Braude stated that the allocation percentage could be reduced.

Councillor Davis asked what is the impact on property taxpayers. Mr. Maloney stated that there is no impact on residential tax base and little impact on commercial tax base.

Councillor Davis opened the meeting to the public at this time.

Allison Crump, 58 Pleasant Street, asked if the state is obligated to fund the programs for five years. Mr. Maloney stated that the funding pool will fluctuate based on the economy and the Legislature can change the wording. Cities and towns can issue debt under the CPA but it is subject to annual appropriation. Councillor Braude explained as more communities adopt the CPA, the share of the funds might be reduced. Ms. Crump urged early adoption by Cambridge.

David Salomon, 58 Pleasant Street, stated that he was in favor of CPA. The leverage of funding for affordable housing projects is based on city participation.

Scott Cavanaugh, 22 Columbia Street, stated that he was working diligently to get the CPA passed. When the public understands the act, they will accept it.

Michael Feloney, representing the Cambridge Housing Authority, supported the CPA both as an individual and on behalf of the Housing Authority.

James Bohn, 700 Huron Avenue, stated that this act should be revenue neutral. Mr. Maloney stated that additional funding will come from the state. Mr Bohn asked if the city was revenue neutral could the city maintain a 4% tax cut. Mr. Maloney stated not 4%. The City appropriated an amount close to 3% and the City Council did not appropriate this amount subject to acceptance of CPA.

Ethridge King, 34 River Street, stated that for the 3% surcharge to be neutral should be a 3% tax reduction. Mr. Maloney stated that this is a change in the funding mechanism. Councillor Davis stated that this money was put on hold. If the CPA does not pass, the City Council has a commitment to fund affordable housing.

Mr. Bohn stated that the general feeling is uneasy. He is a renter and he acquired an 80% rent increase due to moving to Cambridge. Councillor Braude outlined the City Council priority process to Mr. Bohn. The CPA, he said, implements the desires expressed to the City Council by the citizenry.

Charlotte Moore, 9 Rutland Street, stated that the CPA.org web site has combined uses listed. Eighty percent could go to affordable housing, she said. There are other state programs that can be used for the three categories.

Councillor Davis stated that the Community Preservation Trust Fund was created through new fees at the Registry of Deeds and Land Court. There is an estimate of \$25 million per year. The funds raised for community preservation will be divided 80/20 for two grant round distributions. This could represent a maximum amount in Cambridge of \$5 million.

Mr. King stated that he is concerned that if the CPA referendum does not pass, the city will revert to the previous funding mechanism. Councillor Davis stated that the City Council supports affordable housing. There is support for more money for affordable housing if recommended by the City Manager.

Ms. Crump stated that the hardest work is to explain that there is no tax increase for property owners.

Bernard Burke, member of the Marsh Conservation Commission, 34 Bradbury Street, stated that the revenue neutral talk is tricky. The City of Falmouth, he said, has a 1% surcharge. He hopes that the CPA raises the leverage for affordable housing and historical preservation. There are candidates for historical preservation help in Cambridge. He commented that there is no sign that lists the significance of Fort Washington.

William Jones stated that there were signs put up for Fort Washington. He wanted money for shelters for homeless mothers and children.

Councillor Davis submitted a letter from Robert H. Kuehn, Jr. for the record.
(ATTACHMENT A)

In conclusion, Councillor Davis thanked all attendees, city staff and the City Manager. She stated that explaining the CPA to the public will not be easy but it is worth the effort if the city is to receive as much as \$5 million in state matching money..

The meeting adjourned at 8:15 p.m.

For the Committee,

Councillor Henrietta Davis
Chair

Committee Report #3

In City Council October 1, 2001

ORDINANCE COMMITTEE MEMBERS

Councillor Kathleen L. Born, Co-Chair
Vice Mayor David P. Maher, Co-Chair
Councillor Jim Braude
Councillor Henrietta Davis
Councillor Marjorie C. Decker
Councillor Kenneth E. Reeves
Councillor Michael A. Sullivan
Councillor Timothy J. Toomey, Jr.
Mayor Anthony D. Galluccio

The Ordinance Committee held a public hearing on September 25, 2001, beginning at 6:40 P.M. in the Sullivan Chamber for the purpose of hearing public testimony on the Eastern Cambridge Planning Study (ECAPS) and Birk petitions to amend the zoning in the Eastern Cambridge area.

Present at the hearing were Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Committee, Councillor Henrietta Davis, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr., and City Clerk D. Margaret Drury. Also present were Stuart Dash, Director of Community and Neighborhood Planning, Community Development Department (CDD), Iram Farooq, Planner, CDD.

Vice Mayor Maher convened the hearing and explained the purpose. He then invited public testimony on the petitions and reminded those present that testimony should be limited to new issues.

John Moot, 44 Coolidge Hill Road, stated that North Point is a rare opportunity for the City of Cambridge. North Point is fifty-five acres of undeveloped land. He urged careful consideration of all of the options. Before rezoning takes place, there are many issues that need to be settled. The location of the MBTA station is very important, and it should be settled first.

Francesca Amacher, 239 Mt. Auburn Street, presented a drawing of a vision of North Point emphasizing a platform approach, linking the two sides of the Monsignor O'Brien Highway by means of a "superblock" overpass. With the plan, it is not necessary to move the MBTA station.

Mr. Moot stated that Ms. Amacher's proposal shows the value of more innovative and imaginative planning before deciding upon the zoning. He recommended deleting North Point from the current zoning proposal. It should be the subject of a separate zoning proposal. Mr. Moot submitted a written version of his remarks (**Attachment A**).

Councillor Born thanked Ms. Amacher for her design drawing and noted that nothing in the proposed zoning would preclude Ms. Amacher's approach. However, only the State could implement such a plan.

Steve Kaiser discussed traffic concerns and the Cambridge/Somerville boundary issue. The proposal provides that the § 13.79.2 parking facilities will be located "adjacent to the

boundary. Mr. Kaiser submitted written material (**Attachment B**) with an in-depth discussion of the matters that he presented in his testimony.

Stash Horowitz, 12 Florence Street, described the last minute requests of Guilford Transportation which the Planning Board accommodated by an 11% increase in commercial FAR. That 11% increase destroys the 65-35 balance of residential/ commercial. He urged a new financial analysis of what is the most feasible kind of development in the new economic situation in which office rents are plummeting.

Mr. Horowitz then listed the differences between the two petitions including the following points:

- Housing in East Cambridge is 75% commercial and only 25% residential; zoning that requires 80% residential in North Point still won't equalize commercial and residential development in East Cambridge.
- Mass transit must be developed before the density is increased.
- The benefits of moving the T station are outweighed by the burdens such movement would create.
- Mr. Horowitz suggested the commercial development allowed should be subject to prior to development of the residential components.
- Visual impacts are a problem. The heights will block the Cambridge Street view lines.
- The 15% goal affordability will not be realized in the ECAPS petition.
- If the Volpe Building is re-conveyed to Cambridge, it should be not automatically conveyed to the CRA.
- The transfer of development rights could create unintended consequences. The Birk petition solves this part by requiring transfers to be built as housing.
- If North Point is not linked to the rest of Cambridge now, it will never be done.
- The North Point traffic study is grossly inadequate.

Mr. Horowitz then urged the City Council to discourage last minute end runs around the planning process. The Planning Board added an additional 500,000 sq. ft. of FAR at the last minute. The increase should be rejected. He also suggested the possibility of manipulation of the boundaries to avoid regulating issues associated with building near Miller's River. He said that a North Point zoning proposal should be refiled.

Attorney Joseph Haley, representing Draper Laboratories introduced Jack Barry, Director of Administration at Draper. He stated that Draper owns 571 Tech Square, and One Hampshire Street, a seven-story building built by Draper in the 1980's. It was originally designed to contain a wing. That wing was not built then, but Draper has been developing plans for it over the recent years. If Draper builds the wing, it will be able to reduce parking spaces by 80 or more.

Richard McKinnon, 39 Lee Street, stated that his company has formed a business relationship with Charles Smith, Inc. to develop the one undeveloped site in North Point not owned by Guilford. It is a six-acre site. They are in agreement with almost all of the ECAPS proposal. The one problem for their project is the way the height differentials are laid out vis-à-

vis the site. It would result in a massed development that is not the type of development contemplated in the ECAPS goals. They will be building 100% housing on the site.

Barry Zevin, 67 Hampshire Street, stated that the transfer of development rights is a good way to solve Draper's problem. The reason for the move of the T station is the extension of the Green Line to the northwest suburbs. It is a part of the mitigation for the Big Dig project. That extension will reduce traffic through Cambridge and is a significant benefit to East Cambridge.

Robert Travis, Jr., 54 Fulkerson Street, described his memories of the Lechmere Station. North Point is the last area of land in Cambridge. Time should be taken with the planning. East Cambridge wants open space, a senior center and a fire house.

William Jones, Franklin Street, discussed his memories of East Cambridge, Monsignor O'Brien, the candy factory and the Lechmere Canal. Kendall Square is beautiful. People used to swim in the Sixth Street Canal.

Councillor Sullivan stated that, particularly in this time, when Draper Lab is working on some of the kind of security measures our government needs to fight terrorism, he does not want to see a much needed expansion prohibited by the new zoning. Draper is a small, landlocked site. It would be unreasonable to take steps that would prohibit its full use of its site.

Councillor Sullivan listed three areas of the current proposal that he finds problematic. With respect to these issues, set forth below, he requested that CDD staff prepare language for amendments that he intends to offer at the time the full City Council considers the petition. The issues are as follows:

1. Adequate setbacks for housing along Binney Street, a truck route, by providing for the park to be adjacent to the street to provide a buffer between the street and the housing.
2. Language that allows a municipal use, such as a police station, as of right.
3. Language that enables Draper Lab to go ahead with its long-planned and much needed addition of a wing to its building.

Councillor Born stated that through utilization of the transfer of development rights provisions in the proposed zoning, it appears that Draper could acquire the rights to develop the site and the City of Cambridge could have a new public park. It is quite possible that this mechanism could benefit all involved, and enhance the public welfare.

Councillor Toomey stated that he is disappointed that Draper Lab did not participate in the public process. He wants to be sure that the neighbors are kept apprised and involved if such a transfer moves forward.

Councillor Sullivan agreed and added that he does not want to see a process that gets bogged down.

Councillor Born and Vice Mayor Maher thanked those present for their attendance.

The meeting was adjourned at 8:15 p.m.

For the Committee,
Councillor Kathleen L. Born, Co-Chair
Vice Mayor Maher, Co-Chair

ORDERED: That, in consideration of Councillor Sullivan's concerns, the City Manager be and hereby is requested to confer with the Assistant Director of Community Development to provide to the City Council with the following possible amendments to the ECAPS petition:

1. Adequate setbacks for housing along Binney Street, a truck route, by because it maybe a designated truck route
2. Language that allows a municipal use, such as a police station, as of right at the Volpe site.
3. Language that enables Draper Lab to go ahead with its long-planned and much needed addition of a wing to its building.

**COMMUNICATIONS AND REPORTS FROM CITY OFFICERS -
FOR THE CITY COUNCIL MEETING OF MONDAY, OCTOBER 1, 2001**

1. A communication was received from Councillor Jim Braude, regarding Calendar Item #2 of October 1, 2001 on the Preservation Easement for 2 Holyoke Place (Fly Club).